

# **BOARD OF ZONING APPEALS**

**PUBLIC HEARING DATE:** July 22, 2015

**TIME:** 9:00 A.M.

# V I R G I N I A

July 15 2015

## **STAFF REPORT**

### **APPEAL APPLICATION A 2015-HM-009**

### **HUNTER MILL DISTRICT**

**APPELLANT:** Mehdi Rofougaran

**LOCATION:** 12820 Tournament Drive

Reston, VA 20191

**TAX MAP REF:** 16-4 ((9)) (1C) 37

**ZONING DISTRICTS:** R-3

**SITE AREA:** 13,926 square feet

**NATURE OF APPEAL:** Appeal of a determination that the appellant is

maintaining a second dwelling unit in a single-family detached dwelling on property in the R-3 District in

violation of Zoning Ordinance provisions.

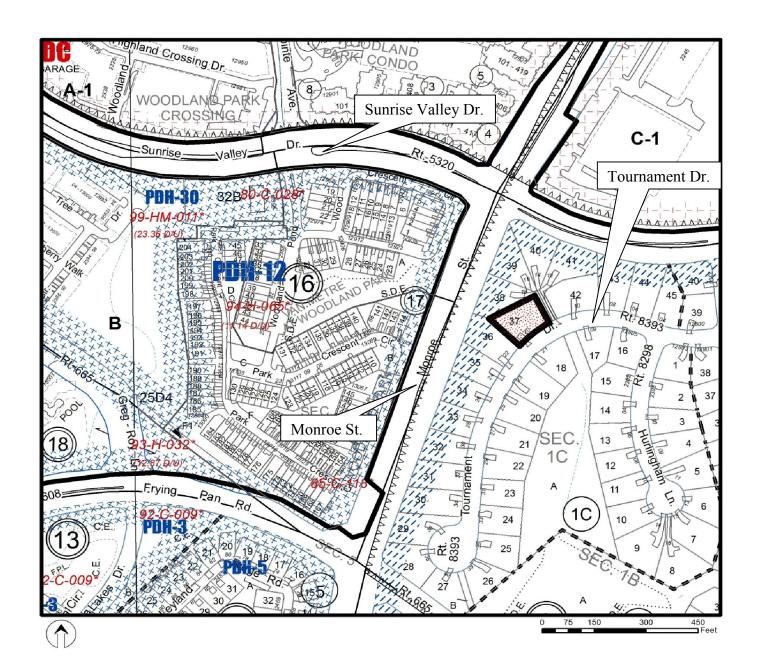
**SDW** 

For information, contact the Zoning Administration Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 807, Fairfax, Virginia 22035-5505, 703-324-1314.

# **APPEAL APPLICATION**

### A 2015-HM-009

**MEHDI ROFOUGARAN, A 2015-HM-009** Appl. under sect(s). 18-301 of the Zoning Ordinance. Appeal of a determination that appellant is maintaining a second dwelling unit on property in the R-3 District in violation of Zoning Ordinance provisions. Located at 12820 Tournament Dr., Reston, 20191, on approx. 13, 926 sq. ft. of land zoned R-3. Hunter Mill District. Tax Map 16-4 ((09)) (1C) 0037.



#### DESCRIPTION OF APPEAL

**Appellant:** Mehdi Rofougaran

**Issue:** Appeal of a determination that the appellant is

maintaining a second dwelling unit in a single-family detached dwelling on property in the R-3 District in

violation of Zoning Ordinance provisions.

**Property Description:** The property that is the subject of this appeal is located in

the Polo Fields Subdivision, on the west side of Tournament Drive west of its intersection with

Hurlingham Lane. The property is developed under the cluster provisions of the R-3 District, and consists of 13,926 square feet. The subject property is currently developed with a two-story, single-family detached dwelling. The appeal is the result of a Notice of

Violation (NOV). At the time the NOV was issued, two complete and separate independent living facilities were located within the structure, each with facilities for living, sleeping, eating, cooking and sanitation. A copy of the zoning map sheet showing the subject property is

provided on the previous page.

**Appellant's Position:** The appellant's application and basis for appeal are set

forth in Attachment 1.

### **ZONING ORDINANCE PROVISIONS**

The provisions of the Zoning Ordinance that are pertinent to this appeal are listed below. The complete text of these provisions is provided as Attachment 2.

- Sect. 2-501, Limitation on the Number of Dwelling Units on a Lot
- Definitions of DWELLING and DWELLING UNIT as set forth in Article 20 of the Zoning Ordinance.

#### **BACKGROUND**

- On October 11, 1994, Building Permit # 94266B0890 was approved for the construction of a single family detached dwelling on Lot 37 of Section 10 of the Polo Fields Subdivision. Copies of the building permits referenced in the background are provided in Attachment 3.
- On December 22, 2005, Building Permit # 05356B0530 was approved to finish the basement of the dwelling on the subject property. The proposed improvements requested included two bedrooms, a bathroom, a kitchen, and a laundry area. However, several notes on the approved building permit clearly stated that no second kitchen and no wet bar were permitted. A final

inspection of the improvements approved with Building Permit #05356B0530 was never requested.

- The property was conveyed to Mehdi Rofougaran and Shaden Rofougaran by a deed recorded in the Fairfax County land records at Deed Book 19729, Page 2035 on February 17, 2011. The property was then conveyed to the appellant by a deed recorded in the Fairfax County land records at Deed Book 21553, Page 1250 on February 16, 2011. Copies of the referenced deeds are provided in Attachment 4.
- On September 15, 2014, a complaint was received by the Department of Code Compliance (DCC) alleging that multiple unrelated people were living with the owner of the dwelling located at 12820 Tournament Drive. The complainant claimed that an average of seven cars park at the property (two cars in the driveway, two cars and a motorcycle on the adjacent pipestem, and three to five cars on the street in front of the subject dwelling and nearby homes), and that with the exception of two of the vehicles, they had been parked at the residence for more than 90 days.
- On September 18, 2014, two DCC Investigators visited the subject property and spoke with the owner, who allowed them to inspect the interior of the dwelling. The owner informed them that four people were living in the house at that time. They stated that the owner and one renter sleep in two of the four bedrooms on the upper level of the dwelling, and that two renters sleep in bedrooms in the basement. The inspection of the dwelling led to the discovery of the second kitchen in the basement of the dwelling. The inspection also revealed that the basement bedrooms did not have proper egress and the smoke alarm in the basement was missing. The basement bedrooms were placarded, and a field correction notice was issued.
- On September 23, 2014, a Notice of Violation (NOV) was issued to the appellant for a violation of Sect. 2-501 of the Zoning Ordinance for establishing more than one dwelling unit in the subject dwelling. The appellant submitted an appeal of the NOV on October 22, 2014.
- The property was conveyed to Tournament Drive, LLC by a deed recorded in the Fairfax County land records at Deed Book 23900, Page 1463 on December 11, 2014. A copy of the referenced deed is provided in Attachment 4.
- On February 11, 2015, the original NOV issued was rescinded due to the change in the ownership of the property, and a new NOV was issued to Tournament Drive, LLC for a violation of Sect. 2-501 of the Zoning Ordinance for establishing more than one dwelling unit in the subject dwelling. Copies of the NOVs are provided with the appellant's submission contained in Attachment 1.
- The revised appeal was received on March 10, 2015; it was accepted on April 3, 2015 and is scheduled for public hearing before the Board of Zoning Appeals (BZA) for July 22, 2015.

## **ZONING ADMINISTRATOR'S POSITION**

This is an appeal of a determination that the appellant established and maintained a second dwelling unit in a single-family detached dwelling on property in the R-3 District in violation of

Zoning Ordinance provisions. It is staff's position that it was clearly demonstrated through zoning inspection that the appellant was maintaining two separate and independent dwelling units – one on the main level and upper level, and one in the basement of the dwelling – on the subject property in violation of Zoning Ordinance provisions.

As defined in Article 20 of the Zoning Ordinance, a dwelling unit is "one (1) or more rooms in a residential building or residential portion of a building which are arranged, designed, used, or intended for use as a complete, independent living facility, which includes provisions for living, sleeping, eating, cooking and sanitation. Occupancy shall be in accordance with the provisions of Sect. 2-502." Upon inspection of the property on September 18, 2014, the home contained two dwelling units which each included bedrooms, living areas, bathrooms, and kitchens. The first and second floors of the two-story dwelling contained four bedrooms and a kitchen; and the basement of the dwelling contained two bedrooms and a kitchen.

Accordingly, DCC staff advised the appellant to:

- Remove, on a permanent basis, all interior door locks that prevent the free and unfettered access to all common living areas or which may separate different levels of the structure; and
- Remove, on a permanent basis, all but one kitchen located in the dwelling to include: the ovens, microwave, ranges, sinks, cabinets, countertops, refrigerators, and freezers or combination thereof; all other appliances and accourtements use or intended for use for cooking or eating, and all plumbing, electrical, and gas connections and piping; and
- Apply for and obtain approval from the Fairfax County Building Official for a valid demolition permit for the removal of all electrical circuits, plumbing fixtures and piping and natural gas piping systems which were installed to establish the second kitchen in the dwelling unit at the property, and obtain a passing final inspection of such demolition work; and
- Cease, on a permanent basis, the use of all but one dwelling unit on the property, and restoring the structure such that it contains no more than one dwelling unit.

The appellant claims that he was completely unaware that there were any issues involved with the setup of the property. He was aware that renovations were made back in 2005-2006, and states that he reasonably relied on the fact that all of the "necessary County Departments" had approved the required permits prior to the start of the renovations. The appellant also claims that, as approval of a building permit is contingent on compliance with the Zoning Ordinance, it was reasonable for him to rely on the approval of the permit as a sign there were no zoning issues with the setup of the property. The appellant claims that the tax records for the property make it clear that the property has six bedrooms as well as a second kitchen in the basement, and that he has been paying taxes based on their existence since he purchased the property. The appellant further states that the existence of all six bedrooms and a separate kitchen area in the basement was one of the main motivating factors that convinced him to purchase the property in 2008. Additionally, the appellant notes that the six bedrooms and second kitchen were identified and promoted on the listing of the property through the MRIS listing page, which is a nationally accredited site used by Real Estate Brokers, and as such he presumed that the features promoted in the listing would be permitted.

As previously mentioned, Building Permit #05356B0530 was approved on December 22, 2005 to

permit certain renovations to the subject dwelling. However the approved building permit <u>clearly notes</u> that <u>no second kitchen</u> and <u>no wet bar</u> were <u>permitted</u> with the improvements shown. Furthermore, the required final inspection of the improvements permitted with that building permit was never requested, which would have served to verify that the improvements were constructed in accordance with what was approved. That final inspection would likely have identified and required correction of the presence of the second kitchen, which enables the presence of the illegal second dwelling unit. While the Fairfax County Real Estate Assessment information for the subject property does show that the dwelling has six bedrooms, there is no recognition of two kitchens at the subject property, nor would that authorize a second dwelling on the property. Further, real estate listings do not provide legally reliable zoning information, but rather are a form of advertisement for the sales of property.

Staff has taken a consistent position in previous violations regarding multiple dwellings, that the appellants not only remove all kitchen appliances in the second kitchen, but also cabinets and countertops so that a second kitchen cannot be easily reestablished. The BZA has upheld this position of the Zoning Administrator in a number of appeals, including two appeals in 2007 (Spratley and Knight), two appeals in 2008 (Farahan and Goh), four appeals in 2009 (Jalali, Lord, Vu and Brown), two appeals in 2010 (Sarakinis and Slack), and two appeals in 2011 (Bonfiglio and Tayebi).

On June 19, 2013, the BZA upheld the determination of the Zoning Administrator on Appeal A 2012-DR-030 (Sherbiny) for a violation of Sect. 2-501. In this appeal, the appellant had received building permit approval for a wet bar. Subsequently, he separated the basement apartment with the wet bar (to which he had added and then removed a stove) from the upstairs as a second dwelling unit.

In final orders and default judgments over the past several years, the Fairfax County Circuit Court has consistently directed property owners to remove all components of their illegal second kitchens. In the orders and judgments for the following eight cases, copies of which provided as Attachment 8, defendants were ordered to lawfully remove all dwelling units exceeding one, including all utilities, furnishings, and appliances related thereto, with such removal including the capping and sealing of all utilities in the walls, and the removal of all stoves, ovens, microwave ovens, ranges, toaster ovens, cabinets, countertops, refrigerators, freezers, and sinks on a permanent basis:

- Eileen M. McLane, Fairfax County Zoning Administrator vs. Abhijitt Dutta and Jil Dutta. Agreed Final Order issued on September 26, 2012.
- Eileen M. McLane, Fairfax County Zoning Administrator vs. Richard Morato and Elizabeth G. Weber. Default Judgment issued on April 6, 2012.
- Eileen M. McLane, Fairfax County Zoning Administrator and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia vs. Dulal M. Miah. Agreed Final Order issued on January 13, 2011.
- Eileen M. McLane, Fairfax County Zoning Administrator vs. Idalia Cruz, et al. Default Judgment issued on January 7, 2011.
- Eileen M. McLane, Fairfax County Zoning Administrator vs. Rama Sanyasi Rao Prayaga. Final Order issued on June 11, 2010.
- Eileen M. McLane, Fairfax County Zoning Administrator vs. Daniel Retter, Trustee, and Sheila G. Cheatham Trust. Final Order issued on October 30, 2009.

- Eileen M. McLane, Fairfax County Zoning Administrator vs. Adela Cuellar Taylor. Default Judgment issued on March 28, 2008.
- Eileen M. McLane, Fairfax County Zoning Administrator vs. Marco A. Rocabado Tapia. Final Order issued on November 9, 2007.

Therefore, it is the Zoning Administrator's position that all kitchen components must be removed from the second kitchen that currently exists in the basement of the dwelling on the appellant's property, since the requirement to remove all components that comprise the additional kitchen is consistent with previous determinations made by the Zoning Administrator and various court orders. Further, these are only the cases that have been adjudicated at the Circuit Court level. Many other recipients of NOVs regarding second kitchens have voluntarily complied without court action.

In conclusion, it is clear from site inspection of the subject property that the appellant is maintaining a second dwelling unit within a single family dwelling. Each dwelling unit has its own independent living area, bedrooms, bathrooms and kitchen. Furthermore, the building permit approved for basement renovations to the subject dwelling in 2005 clearly notes that no second kitchen and no wet bar were to be permitted at the subject dwelling. Additionally, no final inspection of the completed work was ever obtained. Staff therefore recommends that the BZA uphold the determination of the Zoning Administrator as set forth in the Notice of Violation dated February 11, 2015.

## **ATTACHMENTS:**

- 1. Appellant's Application and Basis for Appeal
- 2. Applicable Zoning Ordinance Provisions
- 3. Building Permits
- 4. Copy of Deeds for 12820 Tournament Drive
- 5. Fairfax County Tax Assessment Record for 12820 Tournament Drive
- 6. Photographs Taken During Initial Inspection
- 7. Fairfax County Circuit Court Final Orders and Default Judgments





## **COMMONWEALTH OF VIRGINIA COUNTY OF FAIRFAX APPLICATION FOR APPEAL**

Please type or Print in Black Ink

FAIRFAX COUNTY RECEIVED

MAR 1 0 2015

APPLICATION NO. A 2015 - Ht (Assigned by Staff)	<u>1-009</u>		MAR 1,0 2015  DIVISION OF ZONING ADMINISTRATION
NAME OF APPELLANT: Mehdi Rofougaran			THE PROPERTY OF THE PROPERTY O
NATURE OF THE APPEAL: See attached letter and documentation			•
			· · · · · · · · · · · · · · · · · · ·
		,	
DATE OF ORDER, REQUIREMENT, DECIS SUBJECT TO THE APPEAL February 11	<b>SION, DETER</b> , 2015	MINATION OR NOTIC	CE OF VIOLATION WHICH
HOW IS THE APPELLANT AN AGGRIEVE See attached letter and documentation	:D PERSON?:		
IF APPEAL RELATES TO A SPECIFIC PR	OPERTY, PR	OVIDE THE FOLLOW	/ING INFORMATION:
POSTAL ADDRESS OF PROPERTY: 12820	) Tournament D	rive, Reston, Virginia 20	191
TAX MAP DESCRIPTION: 0164 091C0037			
Michael J. Smith, VSB No. 75451  Type or Print Name of Appellant or Agent			
Signature of Appellant or Agent			***
10533 Main Street, Fairfax, Virginia 22030			
Address			
(703) 383	-0100		
Telephone No: Home	Work		Cell
Please type or print name, address, and phone nu	mber of contact	person if different from a	bove:
DO NOT WRITE IN THIS SPACE		1121	. 10
Subdivision Name:	<u>Fulas</u>	CT.3+, Sec	
Total Area (Acres/Square Feet):	, 926 E	5q.ft.	
Present Zoning:	· No 10	V	
Supervisor District: + 100 a -	11 201E		. 1 8D 191
Date application received: My Ch	10,0010	Application Fee Paid	1: \$ (000 . 7

Date application accepted:

Mark R. Dycio Victoria J. Schug T. Wayne Biggs Jeffrey F. Mangeno Michael J. Smith Sonja N. Aoun<sup>†</sup> Jason C. Greaves Daniel S. Phillips

# DYCIO & BIGGS

ATTORNEYS AT LAW 10533 Main Street Fairfax, Virginia 22030 Tel: (703) 383-0100 Fax: (703)-383-0101 www.dyciobiggs.com

Ray L. Hanna†•
David L. Marks\*†•

\*Admitted to practice in MD
†Admitted to practice in DC
•Of Counsel

March 10, 2015

## VIA HAND-DELIVERY

Zoning Administration Division 12055 Government Center Parkway, Suite 807 Fairfax, Virginia 22035

Re:

Appeal of Notice of Violation issued to Mehdi Rofougaran Address: 12820 Tournament Drive, Reston, VA 20191

Case Number 201406728

Date of Notice: February 11, 2015

#### Dear Sir or Madam:

This firm represents Mr. Rofougaran with regards to the above-captioned notice of violation issued by you to him on February 11, 2015. This letter shall accompany his appeal application form for that violation notice. As this letter shall indicate, we deny any violations have occurred and are requesting that the matter be dismissed or that a public hearing be scheduled before the Board of Zoning Appeals (BZA), pursuant to section 15.2-2311 of the Virginia Code (1950), as amended.

# §2-501 Limitation on the Number of Dwelling Units on a Lot:

Your notice of violation alleges that Mr. Rofougaran is in violation of this provision of the Fairfax County Zoning Ordinance because there is more than one (1) dwelling unit on his property, which is located at 12820 Tournament Drive, Reston, Virginia 20191 (the "Property"). The reason for the violation appears to be that there are two bedrooms in the basement of the Property in use, as well as a kitchen area.

An examination of the history behind that portion of the Property indicates that the County was fully aware of all planned renovations that were undertaken in the basement. Prior to Mr. Rofougaran owning the Property, the previous owner, Mr. Ali Mir, applied for a building permit with Fairfax County to finish the basement. The application was approved by the Department of Planning and Zoning on December 22, 2005. As part of the Building Application for the finished basement, Mr. Mir paid all of the required permit fees, passed the necessary framing inspections and reviews, including from the Zoning Department. Documentation from

the County showcasing the various inspections and reviews that were conducted at the property is attached hereto under Tab 1.

In addition to the building permits, Mr. Mir filed applications and received permits for both the plumbing and the electrical work that was to be done at the Property. In order to obtain said permits, Mr. Mir paid all necessary fees and passed the required inspections and reviews. Copies of these permits are attached hereto under Tabs 2 and 3 respectively. As a result of the numerous permits and applications that were filed in connection with the renovations to the Property that took place in 2005-2006, Fairfax County was fully aware of the planned renovations to the Property and all of the permits for the work were nevertheless approved.

In contrast, Mr. Rofougaran was completely unaware that there were any issues involved with the setup of the Property. He was aware that renovations were made back in 2005-2006 and reasonably relied on the fact that the permits were approved by all of the necessary Departments prior to the start of the renovations. On the Fairfax County webpage that details the step-by-step process by which building permits are obtained, it states that when compliance with the code, zoning ordinances, and other applicable statutes are determined, the permit application is approved. A copy of the description of the permit process from the Fairfax County webpage is attached under Tab 4. As approval of the permit application is contingent on compliance with the zoning ordinance, it was reasonable for Mr. Rofougaran to rely on the approval of the permit as a sign that there were no zoning issues with the setup of the Property when he purchased it.

Additionally, the tax records for the Property make clear both that the Property has 6 bedrooms as well as a second kitchen in the basement and Mr. Rofougaran has been paying taxes based on their existence since he purchased the Property. A copy of the tax records for the Property is attached under Tab 5. The existence of all 6 bedrooms and a separate kitchen area in the basement was one of the main motivating factors that convinced Mr. Rofougaran to purchase the Property back in 2008. In fact, the existence of the second kitchen and two bedrooms on the lower level was identified and promoted on the listing of the Property through the MRIS (Metropolitan Regional Information Service) listing page which is a nationally accredited data site used by Real Estate Brokers to send clients information about listings and Mr. Rofougaran used this information along with county tax records in making his decision to buy the Property. A copy of the listing is attached under Tab 6. It would be inequitable to hold Mr. Rofougaran accountable for an alleged violation of the Zoning Ordinance, as well as force him to remove the second kitchen from his house when the County was put on notice years ago of the setup of the Property and he had no idea (nor should he have been expected to know) of the potential problem.

Furthermore, Mr. Rofougaran is not operating the basement of the Property as a complete and separate dwelling unit, as alleged in the notice of violation. Part 3 of Article 20 of the Zoning Ordinance defines a dwelling unit as "one or more rooms in a residential building or residential portion of a building which are arranged, designed, used, or intended for use as a complete, independent living facility which includes provisions for living, sleeping, eating, cooking, and sanitation." Though there were two people living in the basement area, which contains two bedrooms and a kitchen, it is not in any way used or intended to be used as a complete, independent living facility. Both of the residents that live downstairs have access to all parts of

the house and frequently interact and socialize with the other residents that live upstairs. The residents, including Mr. Rofougaran, that live upstairs also had complete access to all parts of the basement area. The setup is a house that all of the individuals share in its entirety; the basement is not a separate and distinct entity akin to an apartment for two individuals and is therefore not a second dwelling unit on the Property. The County's own inspection report indicates that the proper number of people are residing at the Property as it was determined that "there is no multiple occupancy at this time." A copy of this Report is attached under Tab 7.

In sum, due to the numerous permits and inspections that took place at the Property regarding the renovations, the County has been on notice for years about the setup of the basement, including the existence of a second kitchen. In contrast, Mr. Rofougaran reasonably relied on the issuance of building, plumbing, and electrical permits for the renovations by the County, as well as the tax records for the Property when he purchased it. Accordingly, forcing Mr. Rofougaran to remove the second kitchen, when that was an important reason that he purchased this particular Property, would cause undue injury to him. Finally, in spite of the fact he was unaware of any issues involving the second kitchen, Mr. Rofougaran was not operating the basement of the Property as a separate apartment for two of his roommates, as the house functions as a single entity and there is no second dwelling unit. Accordingly, the notice of violation was issued in error and we request that it be dismissed in its entirety, or in the alternative, that a hearing be scheduled as part of our appeal of the decision.

Additionally, as the previous case was administratively withdrawn by the County, we would hereby request that the \$600.00 filing fee that was included with the previous filing be applied towards this appeal application for the new notice of violation.

Thank you.

Very truly yours,

Michael J. Smith, Esq.

Enclosures

cc: Board of Zoning Appeals



# County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County.

# NOTICE OF VIOLATION Fairfax County Zoning Ordinance

DATE OF ISSUANCE:

February 11, 2015

METHOD OF SERVICE:

OFFICE OF THE SHERIFF

LEGAL NOTICE ISSUED TO:

Tournament Drive, LLC

ADDRESS:

Mehdi Rofougaran, Registered Agent

12820 Tournament Drive

Reston, VA 20191

LOCATION OF VIOLATION:

12820 Tournament Drive

Reston, VA 20191

TAX MAP REF:

0164 091C0037

ZONING DISTRICT:

R-3

CASE #: 201406728 SR #: 109975

ISSUING INVESTIGATOR:

Wayne Bass: (703) 324-1931

POTENTIAL CIVIL
PENALTIES UNDER
ZONING ORDINANCE

§ 18-903(1):

Zoning Violation

First Offense

Each Subsequent Offense

§02.501

\$200.00

\$500.00

TOTAL:

\$200,00

\$500.00

# Dear Responsible Party:

Because the above referenced property transferred title from Mehdi Rofougaran to Tournament Drive, LLC on December 11, 2014, the previous Notice of Violation issued to Mehdi Rofougaran on September 23, 2014 is rescinded, and a new Notice of Violation is issued to Tournament Drive, LLC.

An inspection of the above referenced property on September 18, 2014 revealed the following violation of the Fairfax County Zoning Ordinance:

Department of Code Compliance

12055 Government Center Parkway, Suite 1016 Fairfax, Virginia 22035-5508 Phone 703-324-1300 Fax 703-653-9459 TTY 711 www.fairfaxcounty.gov/code Mehdi Rofougaran February 11, 2015 SR 109975 Page 2

# § 2-501 Limitation on the Number of Dwelling Units on a Lot:

The inspection revealed there are two (2) complete and separate dwellings in this single family dwelling unit on the above-referenced property. Part 3 of Article 20 of the Zoning Ordinance defines a dwelling unit as:

One (1) or more rooms in a residential building or residential portion of a building which are arranged, designed, used, or intended for use as a complete, independent living facility which includes provisions for living, sleeping, eating, cooking and sanitation. Occupancy shall be in accordance with the provisions of Sect. 2-502.

Therefore, the presence of more than one dwelling unit on the above-referenced property is in violation of Sect. 2-501 of the Zoning Ordinance which states, in part:

There shall be not more than one (1) dwelling unit on any one (1) lot, nor shall a dwelling unit be located on the same lot with any other principal building....

You are hereby directed to clear this violation within thirty (30) days of the date of this notice. Compliance can be achieved as follows:

- Removing, on a permanent basis, all interior door locks that prevent the
   free and unfettered access to all common living areas or which may separate different levels of the structure; and
- Removing, on a permanent basis, all but one kitchen located in the
  dwelling to include: the ovens, microwave, ranges, sinks, cabinets,
  countertops, refrigerators, and freezers or combinations thereof; all other
  appliances and accourtements used or intended for use for cooking or
  eating, and all plumbing, electrical, and gas connections and piping; and
- Applying for and obtaining approval from the Fairfax County Building
  Official (12055 Government Center Parkway, Second Floor, Permit
  Application Center) for a valid demolition permit for the removal of all
  electrical circuits, plumbing fixtures and piping and natural gas piping
  systems which were installed to establish the second kitchen in the
  dwelling unit at this property, and obtaining a passing final inspection of
  such demolition work; and
- Ceasing, on a permanent basis, the use of all but one (1) dwelling unit, on the property, and restoring the structure such that it contains no more than one (1) dwelling unit.

Mehdi Rofougaran February 11, 2015 SR 109975 Page 3

ŀ

A follow-up inspection will be made at the expiration of the time period outlined in this Notice. Failure to comply with the notice will result in the initiation of appropriate legal action to gain compliance with the Zoning Ordinance which can result in court ordered sanctions or civil penalties. Civil penalties may be ordered in the amount of \$200.00 for each violation of the Zoning Ordinance cited herein for the first violation and \$500.00 for each violation of the Zoning ordinance cited herein for any subsequent violation, in accordance with Zoning Ordinance §18-903(1).

You may have the right to appeal this Notice of Zoning Violation within thirty (30) days of the date of this letter in accordance with Sec. 15.2-2311 of the Code of Virginia. This decision shall be final and unappealable if it is not appealed within such thirty (30) days. Should you choose to appeal, the appeal must be filed with the Zoning Administrator and the Board of Zoning Appeals (BZA) in accordance with Part 3 of Article 18 of the Fairfax County Zoning Ordinance. Those provisions require the submission of an application form, a written statement setting forth the decision being appealed, the date of decision, the grounds for the appeal, how the appellant is an aggrieved party, any other information that you may wish to submit and a \$600.00 filing fee. Once an appeal application is accepted, it will be scheduled for public hearing and decision before the BZA. For information regarding an appeal contact:

Zoning Administration Division
12055 Government Center Parkway, Suite 807

Fairfax, Virginia 22035 Office: (703) 324-1314

Information and forms can also be obtained at <a href="http://www.fairfaxcounty.gov/dpz/bza/appeals/">http://www.fairfaxcounty.gov/dpz/bza/appeals/</a>.

If you have questions, would like to schedule an appointment to meet with an investigator, or schedule a follow up inspection, please contact me directly at (703) 324-1931. For any other questions, contact our main office at (703) 324-1300.

LEGAL NOTICE ISSUED BY:

Signature

Wayne Bass Code Compliance Investigator

(703) 324-1931

wayne.bass@fairfaxcounty.gov



# County of Fairfax, Virginia

To protect and enrich the quality of life for the people, neighborhoods and diverse communities of Fairfax County.

# NOTICE OF VIOLATION Fairfax County Zoning Ordinance

DATE OF ISSUANCE:

September 23, 2014

METHOD OF SERVICE:

OFFICE OF THE SHERIFF

LEGAL NOTICE ISSUED TO:

Mehdi Rofougaran

ADDRESS:

12820 Tournament Drive

Reston, VA 20191

LOCATION OF VIOLATION:

12820 Tournament Drive

Reston, VA 20191

TAX MAP REF:

0164 091C0037

**ZONING DISTRICT:** 

R- 3

CASE #: 201406728 SR #: 109975

**ISSUING INVESTIGATOR:** (

Wayne Bass: (703) 324-1931

POTENTIAL CIVIL PENALTIES UNDER ZONING ORDINANCE

§ 18-903(1):

Zoning Violation

First Offense

Each Subsequent Offense

§02.501

\$200.00

\$500.00

TOTAL:

\$200.00

\$500.00-

## Dear Responsible Party:

An inspection of the above referenced property on September 18, 2014 revealed the following violation of the Fairfax County Zoning Ordinance:

## § 2-501 Limitation on the Number of Dwelling Units on a Lot:

The inspection revealed there are two (2) complete and separate dwellings in this single family dwelling unit on the above-referenced property. Part 3 of Article 20 of the Zoning Ordinance defines a dwelling unit as:

Department of Code Compliance

12055 Government Center Parkway, Suite 1016 Fairfax, Virginia 22035-5508 Phone 703-324-1300 Fax 703-653-9459 TTY 711 www.fairfaxcounty.gov/code Mehdi Rofougaran September 23, 2014 SR 109975 Page 2

One (1) or more rooms in a residential building or residential portion of a building which are arranged, designed, used, or intended for use as a complete, independent living facility which includes provisions for living, sleeping, eating, cooking and sanitation. Occupancy shall be in accordance with the provisions of Sect. 2-502.

Therefore, the presence of more than one dwelling unit on the above-referenced property is in violation of Sect. 2-501 of the Zoning Ordinance which states, in part:

There shall be not more than one (1) dwelling unit on any one (1) lot, nor shall a dwelling unit be located on the same lot with any other principal building....

You are hereby directed to clear this violation within thirty (30) days of the date of this notice. Compliance can be achieved as follows:

- Removing, on a permanent basis, all interior door locks that prevent the free and unfettered access to all common living areas or which may separate different levels of the structure; and
- Removing, on a permanent basis, all but one kitchen located in the
  dwelling to include: the ovens, microwave, ranges, sinks, cabinets,
  countertops, refrigerators, and freezers or combinations thereof; all other
  appliances and accourrements used or intended for use for cooking or
  eating, and all plumbing, electrical, and gas connections and piping; and
- Applying for and obtaining approval from the Fairfax County Building
  Official (12055 Government Center Parkway, Second Floor, Permit
  Application Center) for a valid demolition permit for the removal of all
  electrical circuits, plumbing fixtures and piping and natural gas piping
  systems which were installed to establish the second kitchen in the
  dwelling unit at this property, and obtaining a passing final inspection of
  such demolition work; and
- Ceasing, on a permanent basis, the use of all but one (1) dwelling unit, on the property, and restoring the structure such that it contains no more than one (1) dwelling unit.

A follow-up inspection will be made at the expiration of the time period outlined in this Notice. Failure to comply with the notice will result in the initiation of appropriate legal action to gain compliance with the Zoning Ordinance which can result in court ordered sanctions or civil penalties.

Mehdi Rofougaran September 23, 2014 SR 109975 Page 3

Civil penalties may be ordered in the amount of \$200.00 for each violation of the Zoning Ordinance cited herein for the first violation and \$500.00 for each violation of the Zoning ordinance cited herein for any subsequent violation, in accordance with Zoning Ordinance §18-903(1).

You may have the right to appeal this Notice of Zoning Violation within thirty (30) days of the date of this letter in accordance with Sec. 15.2-2311 of the Code of Virginia. This decision shall be final and unappealable if it is not appealed within such thirty (30) days. Should you choose to appeal, the appeal must be filed with the Zoning Administrator and the Board of Zoning Appeals (BZA) in accordance with Part 3 of Article 18 of the Fairfax County Zoning Ordinance. Those provisions require the submission of an application form, a written statement setting forth the decision being appealed, the date of decision, the grounds for the appeal, how the appellant is an aggrieved party, any other information that you may wish to submit and a \$600.00 filing fee. Once an appeal application is accepted, it will be scheduled for public hearing and decision before the BZA. For information regarding an appeal contact:

Zoning Administration Division
12055 Government Center Parkway, Suite 807

Fairfax, Virginia 22035 Office: (703) 324-1314

Information and forms can also be obtained at <a href="http://www.fairfaxcounty.gov/dpz/bza/appeals/">http://www.fairfaxcounty.gov/dpz/bza/appeals/</a>.

If you have questions, would like to schedule an appointment to meet with an investigator, or schedule a follow up inspection, please contact me directly at (703) 324-1931. For any other questions, contact our main office at (703) 324-1300.

LEGAL NOTICE ISSUED BY:

Signature

Wayne Bass

Code Compliance Investigator

(703) 324-1931

wayne.bass@fairfaxcounty.gov



No Parcels are linked to this Application

# **FINISHBSMT** Building Application

09/24/2014 11:21 AM **Submitted By** Report Date Page 1 A/P# 053561180 **Application Information** Stages Date / Time Ву Date / Time Ву 12/22/2005 13:43 Temp COO **Processed** coo 12/29/2005 10:18 Issued **Expires** Final Valuation Associated Information FNBSMT FINISHED BASEMENT Type of Work # Plans **Declared Valuation** 15000.00 SINGLE FAMILY DWELLING Dept of CommerceSFD # Pages 0 **Calculated Valuation** 0.00 Auto Reviews **Priority IR00** IRC 2000 Bill Group **Actual Valuation** 0.00 **Square Footage** 0.00 Name NΑ Description of Work SFD//FIN BMNT W/BDROOM NO WET BAR,2ND KIT S1 PERMIT AFFID ATTACH BPZNR-3C Parent A/P # Project/Phase Name Phase # Project # Size/Area Size Description Property/Site Information 12820 TOURNAMENT DR Address RESTON VA 20191-0000 Location Owner/Tenant Contact ID CC2821844 ALI MIR Name Organization Mailing Address 12820 TOURNAMENT DR State/Province VA City RESTON Country Foreign 20191 ZIP/PC **Evening Phone** Day Phone (703)314-4216 X Mobile # A/P Linked Addresses No Addresses are linked to this Application Linked Addresses No Addresses are linked to this Application A/P Addresses No Other Addresses are associated to this Application Linked Parcels 0164 091C0037 AVP Linked Parcels



Report Date 09/24/2014 11:21 AM Submitted By Page 2 Applicants/Contacts Primary Capacity OWNER Other Contact ID CC2821844 Foreign **Effective** Expire ALI MIR Name Day Phone (703)314-4216 X **Eve Phone** Organization PIN# Pager **Position** Fax Mobile Profession E-Mail Address 12820 TOURNAMENT DR RESTON, VA 20191 Comments No Comments Additional Info Returned Checks Check # Repayment Date Comments Check Date There are no items in this list Foreign Primary Capacity CONTR **Contact ID Effective Expire** Name **Eve Phone** Organization **Day Phone** PIN# Position Pager Mobile Profession Fax E-Mail **Address Comments** No Comments **Additional Info** Returned Checks Check # Check Date Repayment Date Comments There are no items in this list Other **Primary** Capacity OTHER PLANCONT Contact ID CC2821845. Foreign **Effective Expire HECTOR GARCIA** Name **Eve Phone** Organization **Day Phone** PIN# **Position** Pager Mobile Profession Fax E-Mail Address Comments No Comments Additional Info Returned Checks Repayment Date Check Date Finance Report Date There are no items in this list



**Report Date** 

09/24/2014 11:21 AM

Submitted By

Page 3

Applicants/Contacts

**Primary Effective** 

Capacity Expire

**Eve Phone** 

APPL

Other

Contact ID CC2821845 Foreign

Name

HECTOR GARCIA

**Day Phone** Pager Fax

PIN# Mobile Organization **Position** 

Profession

E-Mail Address

Comments No Comments Additional Info

Returned Checks

Repayment Date

Finance Report Date

There are no items in this list

**Primary** 

**Effective** 

Contact ID OWNER Phone

(999)999-9999 x0000

**Capacity Type** 

**Expire** 

OWNER IS CONTRACTOR Name **Address** Fax

VA

Comments No Comments

Check Fees

Item Description

**PERMIT FEE (\$65.00)** 

Check Inspections

4559637 R FINAL #1 (RESIDENTIAL FINAL) 2517776 R FRAMING #1 (RESIDENTIAL FRAMING) 2517777 R FRAMING.#2 (RESIDENTIAL FRAMING) 2517778 R FRAMING #3 (RESIDENTIAL FRAMING)

Check Reviews

670245 BUILDING #1 (BUILDING REVIEW) 670247 REALESTATE #1 (REAL ESTATE REVIEW) 670246 SITEPERMIT #1 (SITE PERMITS REVIEW)

670248 ZONING #1 (ZONING REVIEW) **Check Conditions** 

**Check Alert Conditions** 

INSPECTION MUST BE SCHEDULED

**Check Licenses** Check Children Status 053561225 053561290

Check Open Cases 201406728 Case #

Item Status

Fees Successful

Paid

Inspections Failed No Action

Failed Failed Passed

> Reviews Successful Cond Apprv

Approved Waived Approved

Conditions Successful Alert Conditions Failed

Not Checked Children Successful Not Dependent Not Dependent

1

Fees

PERMIT FEE

12/29/2005 00:00

Paid Date

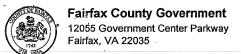
65.00

**Total Unpaid** 

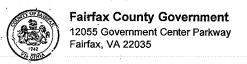
0.00

Total Paid

65.00



09/24/2014 11:21 AM **Submitted By** Report Date Page 4 Inspections Inspection # 2517776 Inspection Type R FRAMING Assigned To RBURK0 01/09/2006 12:17 Inspected By EDB Order/Group 0 Scheduled 01/10/2006 00:00 Preference Started 01/10/2006 14:51 Completed 01/10/2006 14:51 Status Failed Waived Comments Certified Engineer Number: Mechanical Indicator: Inspection Branch: 4 **Building Permit: Inspection Details** Detail FINISHED BASEMENT INFO FOR DTA **Modified By Modified Date/Time** Comments No Comments Detail INSPECTION ADDITIONAL INFO **Modified By Modified Date/Time** Comments No. Comments Inspection # 2517777 Inspection Type R FRAMING # 2 Assigned To RBURK0 Call 01/17/2006 08:08 Order/Group 0 Scheduled 01/18/2006 00:00 Preference Inspected By RPB Started 01/18/2006 14:20 Completed 01/18/2006 14:21 Status Failed Waived Comments Certified Engineer Number: Mechanical Indicator: Inspection Branch: 4 **Building Permit:** Inspection Details Detail FINISHED BASEMENT INFO FOR DTA **Modified By** Modified 'Date/Time Comments No Comments **Detail** INSPECTION ADDITIONAL INFO **Modified By** Modified Date/Time Comments No. Comments 3 Assigned To RBURKO Call 01/19/2006 12:13 Inspection # 2517778 Inspection Type R FRAMING # 0 Scheduled 01/23/2006 00:00 Order/Group Preference Inspected By RPB 01/23/2006 13:47 Waived Started 01/23/2006 13:46 Completed Status Passed. Comments Certified Engineer Number: Mechanical Indicator: Inspection Branch: 4 **Building Permit:** Inspection Details Detail FINISHED BASEMENT INFO FOR DTA **Modified By** Modified Date/Time Comments No Comments **Modified By** Modified Date/Time **Detail INSPECTION ADDITIONAL INFO** Comments No Comments



09/24/2014 11:21 AM Report Date Submitted By Page 5 Inspections Inspection # Inspection Type R FINAL **Assigned To** Call Order/Group Inspected By 0 Scheduled Preference Started Completed **Status** No Action Waived Comments Inspection Details **Detail** FINISHED BASEMENT INFO FOR DTA Modified By Modified Date/Time Comments No Comments Detail INSPECTION ADDITIONAL INFO **Modified By** Modified Date/Time Comments No Comments Review Activities Review Type Waived Review # Comments BUILDING 670245 Cond Apprv 12/28/2005 00:00 12/28/2005 00:00 12/28/2005 00:00 Review Required:Y Notify Info: Approval Type: ISIS Comments: INTERIOR ALTERATION NO STRUCTURAL CHANGE WINDOW AT BEDROOM MUST MEET EGRESS REQ Status:AAN 670246 \$ITEPERMIT 01/01/0001 00:00 Incomplete 01/01/0001 00:00 01/01/0001 00:00 **CBS DESIGN** Status:NRQ REALESTATE 670247 Approved 01/01/0001.00:00 12/22/2005 00:00 12/22/2005 00:00 **CBS** OWNER OF RECORD: ALI MIR Status:APP 670248 ZONING 01/01/0001.00:00 12/22/2005 00:00 Approved 12/22/2005 00:00 Zoning Case Number: NA Zoning Code: R-3. Status:APP Activity Review Details Detail BPR - FINISHED BASEMENT **Modified By** ISIS IBR CONVERSION Modified Date/Time 03/17/2006 15:31 Comments ISIS Comments: NO STRUCTURAL CHANGE ... INTERIOR ALTERATION WINDOW AT BEDROOM MUST MEET EGRESS REQ Additional Info Review Process RESIDENTIAL WALK-THRU Plan Number W-05-07938 R5 Floodplain? Group Construction TypeVB **Historic District?** IR00 Revitalization Area? Code, Year

# Fairfax County Government 12055 Government Center Parkway Fairfax, VA 22035

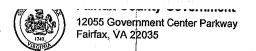
# FINISHBSMT Building Application

				1
Report Date	09/2	4/2014 11:21 AM	Submitted By P	Page 6
Check Conditions Condition Supervisor Requ	Approv	val Approved By Approv Comments ***	ed Date Applied By Applied Date Assigned	
No Conditions Planning Condition	on Des	cription Effecti	ve Expire Comments	
There is no plannir	ng cond	tion for this project.		
A/P# A/	Р Туре	Status Stage	Relation	
	ECTRIC		Not Dependent Not Dependent	,
Application Info				
Review Process	RESID	ENTIAL WALK-THRU	Plan Number W-05-07938	
Use Group	R5	•	Total Permit Fee 65.00	
Type of Construction	ou <sub>NB</sub>		Plan Class 01	
Is there a Designate		nanic's Lien Agent?N	Specific Description of Work	
Sewer Service	PUBL		Existing Egress	
Water Service	PUBL	С	☐ New Egress	
Historic District?	N		☐ New Areaway	
Floodplain?		•	Bedroom	
Revitalization Area	?N		Second Kitchen	
Subdivision	POLO	FIELDS, SEC 001C	☐ Wetbar	
ISIS Permit Number	r <sup>05356</sup>	B0530		
Model Home Deta Type Model #	ails #Option	Comments		
There are no Item:	s in this	list		
Employee Employee ID	Las	t gazda first	Mile Comments	
No Employee Entr	ies			
Log Action Desc Comments	ription	each CL a Se En	tered By Start Stop Hours	
No Log Entries				
				1
			•	

# ELECTRIC R Building Application

Report Dat	te 09/	24/201	I4 11:22 AM	ı	Subr	nitted By					F	Page 2
-Applicants/	Contacts											
Effective	N ALI MIR			Capacity Expire	OWNER	Other	<b>r</b>	Contact ID	CC2821844	Foreign		
Day Phone Pager Fax		16 X		Eve Phone PIN# Mobile			Organization Position Profession		•			
E-Mail Address	12820 TOUR						·				•	
Comments Additional I				18 - m. tr - 18 - 20 - 17 - 17 - 17 - 17 - 17 - 17 - 17 - 1								
Returned Cl Check #	Chec	20,412-460,-40	Repay	ment Date	Comme	nts	ing in the second secon		finish visit Fin	ance Repo	rt Date	
There are no	items in this	list			•		٠					
Primary Effective	N		:	Capacity Expire	CONTR			Contact ID		Foreign		
Name Day Phone Pager Fax				Eve Phone PIN# Mobile			Organization Position Profession					
E-Mail Address Comments	No Comme	nte	,	MODILE	•		Profession					
Additional I	nfo											
Returned Cl Check #	Chec	k Date	Repay	ment Date	Comme	nts			e section . Fin	ance Repo	rt Date	
		; ; ;		• .								
Effective	Υ			Capacity Expire	APPL	Other	<b>r</b>	Contact ID	CC2821845	Foreign	·	
Name Day Phone Pager Fax	HECTOR G	ARCIA		Eve Phone PIN # Mobile			Organization Position Profession					
E-Mail Address					,					•		
Comments	No Comme	ents			•	4						
		:									÷	
								·				
				• •								

Comments No Comments **Modified Date/Time** 



# ELECTRIC R Building Application

Report Date 09/24	1/2014 11:22 AM	Submitted E	Зу	•		Page 4
Detail INSPECTION ADE Comments No Comments	ITIONAL INFO	Modified By		;	Modified Date/Time	
Inspection # 2517832 Inspected By RPB Started 01/23/2006 Comments		CTRIC # 3 Assigne Scheduled 01/23/2006 00:0 01/23/2006 13:42	d To RBURK0 O Preference Status	Call (	01/19/2006 12:13 <b>Waived</b>	
Certified Engineer Number: Mechanical Indicator: Inspection Branch: 4 Building Permit: Inspection Details		N.,				
Detail FINISHED BASEM Comments No Comments Detail INSPECTION ADD Comments No Comments		Modified By Modified By			Modified Date/Time  Modified Date/Time	
Inspection # 2517833 Inspected By EDB Started 01/25/2006 Comments	<u>-</u>	ETRIC # 4 Assigne Scheduled 01/25/2006, 00:0 01/25/2006 14:07	d To RBURK0 0 Preference Status	Call 0	1/23/2006 13:31  Waived :	
Certified Engineer Number: Mechanical Indicator: Inspection Branch: 4 Building Permit:						
Inspection Details						
Detail FINISHED BASEM Comments No Comments Detail INSPECTION ADD Comments No Comments		Modified By  Modified By			Modified Date/Time  Modified Date/Time	
Inspection # 2517830 I Inspected By EDB Started 01/10/2006 Comments	Order/Group 0	CTRIC # 1 Assigne Scheduled 01/10/2006 00:0 01/10/2006 14:51	d To RBURK0 0 Preference Status	Call 0	1/09/2006 15:24 <b>Waived</b>	·
Certified Engineer Number: Mechanical Indicator: Inspection Branch: 4 Building Permit:			·			
Inspection Details						
Detail FINISHED BASEN Comments No Comments Detail INSPECTION ADD Comments		Modified By  Modified By			Modified Date/Time  Modified Date/Time	
No Comments		· ·				·

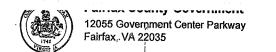
0

n

O

0

LECIKICK Building Application Report Date 09/24/2014 11:22 AM Submitted By Page 5 Inspections Inspection # 4559801 Inspection Type R.FINAL **Assigned To** Call Inspected By Order/Group 0 Scheduled Preference Started Completed Status Waived No Action Comments Inspection Details Detail FINISHED BASEMENT, INFO, FOR DTA Modified By **Modified Date/Time** Comments No Comments **Detail** INSPECTION ADDITIONAL INFO Modified By Modified Date/Time Comments No Comments Review Activities Review # Review Type Comments 670360 ELECTRICAL Incomplete 01/01/0001 00:00 01/01/0001.00:00 01/01/0001 00:00 **CBS** N-R Status:NRQ Activity Review Details No Activity Review Details Check Conditions Approved By Applied Date Supervisor Required No Conditions Planning Condition Description There is no planning condition for this project. A/P Type No Records for This Search Criteria Application Info **Heating and Cooling Equipment Existing Building Permit?** Base Electrical Building Information Air Cleaner O Fan Coil Unit **Heating Equipment** .. 0 New Residential Service Air Conditioner 0 Furnace (Electric) 0 **Heating Equipment** Service 0 Baseboard Heat 0 Furnace (Gas/Oil).. 0 **Heat Pump** Temporary/Permanent 0 **Unit Heater** Additional Residential Equipment Attic Fan Temporary/Construction 0 Compactor 0 Disposal .0 Oven O 0 **Ceiling Fan** 0 **Sub Panel** Cooktop Dryer Range **Sub Panel** 0 0 Central Vacuum 0 Dishwasher 0 **Humidifier** 0 **Smoke Detector Sub Panel** 0 0 Generator - KW 0 0 **UPS System - KVA** 0 Hot Tub Pump-HP 0.000 0 0 **Sub Meter** 0 **UPS System - KVA** Circuits Hydro Tub Pump-HP . 0.000 **Water Heater** Motor - HP 0.000 0 Other - HP **Fixtures** . 0.000 Sump Pump - HP 0.000 0.000 Other - HP SubdivisionPOLO FIELDS, SEC 001C 0 0 0 Transformer - KVA Other - KW Transformer - KVA ISIS Permit Numbe P5356E0550 0 Other - KW 0



# **ELECTRIC R Building Application**

Model Home Details Type Model #/Option

09/24/2014 11:22 AM

Submitted By

Page 6

**Report Date** 

There are no Items in this list

Employee Employee ID Last

No Employee Entries

Log Action Description Comments

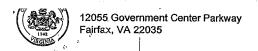
No Log Entries

Applicants/Contacts

# 12055 Government Center Parkway Fairfax, VA 22035

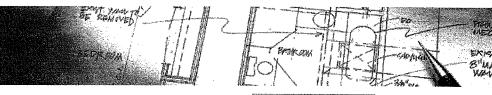
# PLUMBING R Building Application

					•	
Report Date 09/2	24/2014 11:22 AM	Submitted	Ву			Page 4
Detail INSPECTION AD Comments No Comments	DITIONAL INFO	Modified By			Modified Date/Time	
Inspection # 2517909 Inspected By RPB Started 01/18/2006 Comments	_	MBING # 2 <b>Assign</b> <b>Scheduled</b> 01/18/2006 00: 01/18/2006 14:26	ed To RBURK0 00 Preference Status	Call 01/17	7/2006 08:08  Waived	
Comments  Certified Engineer Numbe  Mechanical Indicator:  Inspection Branch: 4  Building Permit:	r:					
Inspection Details			·····	·		
Detail FINISHED BASE Comments No Comments Detail INSPECTION AD		Modified By			Modified Date/Time	
Comments  No Comments	DITIONAL INFO	Modified By			Modified Date/Time	
Inspection # 2517910 Inspected By RPB Started 01/23/2006 Comments	i -	MBING # 3 Assign Scheduled 01/23/2006 00: 01/23/2006 13:47	ed To RBURK0 00 Preference Status	Call 01/19	//2006 12:13 Waived □	
Certified Engineer Numbe Mechanical Indicator: Inspection Branch: 4 Building Permit:	r			·		
Inspection Details			,			
Detail FINISHED BASE Comments No Comments	MENT INFO FOR DTA	Modified By			Modified Date/Time	
Detail INSPECTION AE Comments No. Comments	DDITIONAL INFO	Modified By			Modified Date/Time	
Inspection # 4560120 Inspected By Started Comments	Inspection Type R FINA Order/Group 0 Completed	L # 1 Assign Scheduled	ed To Preference Status	Call No Action	Waived 🗌	
Inspection Details	·					
Detail FINISHED BASE Comments No Comments	MENT INFO FOR DTA	Modified By			Modified Date/Time	
Detail INSPECTION AD Comments No Comments	DDITIONAL INFO	Modified By			Modified Date/Time	
Review Activities	Réview Type	Status Walved 1	issued	Started	Completed	Comp By
			·.			



Report Date 09/24/2014 11:22 AM **Submitted By** Page 5 Review Activities
Review # Review Type Waived Status Issued Started Completed Comp By Comments 670440 OPTIONS Incomplete 01/01/0001 00:00 01/01/0001 00:00 01/01/0001 00:00 CBS **ENGINEERING** Status:NRQ **Activity Review Details** No Activity Review Details **Check Conditions** Condition Approval Approve Supervisor Required Comments Approved By **Approved Date** Applied Date No Conditions Planning Condition Description There is no planning condition for this project. Relation No Records for This Search Criteria Application info 0 Bath Tub/Whirlpool **Backflow Preventor** Sump. Pump Existing Building Permit #? 0 Dishwasher 0 Floor Drain(Sanitary Only)0 **Pressure Reducing Valve Building Status** 0 Disposal Humidifier Washing Machine Repair/Replace Sewer? 0 Sink-Kitchen/Bar 0 HoseBibb/Outside Faucet 0 Water Heater (Not Gas) Repair/Replace Water? 0 Sink-Lav/Bath/Hand 0 ice Maker **Sewer Service** Laundry Tray/Sink Shower Water Closet (Toilet) 1 Lawn Irrigation System **Water Service Piping Only** Water/Sewer Subdivision 0 0 0 Sewer Cap Off Plumbing Gas Lateral POLO FIELDS, SEC .0 Water Cap Off Storm Sewer 001C Gas Equipment Only 0 **Inside Ejector Pump** Tap 0 Oven/Broiler Dryer ..0 0 **Outside Ejector Pump** Water Service O Furnace Pool/HotTub Heater 0 **Sanitary Sewer Connect** Grill Range/Stove/Wok 0 Log Relocate Meter In VDOT Right of Way? **ISIS Permit Number** Log Lighter 0 Water Heater VDOT Permit #: 05356P0440 Model Home Details Type:::: Model #/Option There are no Items in this list Employee Employee ID No Employee Entries Description Entered By Comments No Log Entries





Home

Living Here

**Doing Business** 

Visiting

Departments & Agencies

Search Site:

Advanced Search

Index	ŧ	idex
-------	---	------

Contacts/Directions
DPWES Home
Calendar of Events
Complaints
e-Services
FAQs
Forms
Publications
Online Services

**********	w	******	
Our Go	var	nmen	ŕ

News and Events

Maps, Facts & Stats

State & Federal

homepage > public works and environmental services > building permits





#### **The Permit Process**

A permit, when required, is a document, required by state law, granting legal permission to start construction.

The information below is the most common process for obtaining a permit; it does not reflect all the conditions you may encounter. Refer to project specific information for further details.

### Step 1: The Permit Application Center

Staff at the Permit Application Center will provide you with the resources and information necessary to make your project a success and to avoid potential problems which could cost you time and money. Be prepared to discuss your project with permit staff who will ask you questions such as "What are you planning to do?" and "Where are you planning to do?" The permit staff will discuss the specific process for your project with

Fairfax County issues separate building permits and trade (electrical, mechanical and plumbing) permits. Therefore, depending on your project, you may need multiple permits.

- · View a chart of the Building Permits and Inspections process.
- · Building Permits From Start to Finish (Video).
- · Learn more about when a permit is required.

**Permit Application Center** The Herrity Building 12055 Government Center Parkway, 2nd Floor Fairfax, Virginia 22035 Telephone: 703-222-0801 TTY: 711

#### Step 2: Permit Application

A completed permit application is required prior to beginning the administrative process. You may pick up a permit application at the Permit Application Center or online. You'll be asked to document "who" will perform the work and "what," "where," and "how" the work will be completed. Drawings, plans or other documentation of the proposed work may be required. You may be asked to pay for all or part of your permit fee at the

#### Step 3: The Review Process

During the review process, county staff will determine if your project is in compliance with the building code, the zoning ordinance, and other county or state ordinances and statutes. The length of the review process will depend on the type and complexity of the project. Many small residential applications can be processed in one day. Posted plan review timeframes are kept online.

#### Step 4: Permit Approval

When compliance with the code, zoning ordinances and other applicable statutes are determined, the permit application is approved. Once all final permit fees are paid, the permit is issued.

However, if the permit application is not approved or a review has failed, your permit application as submitted will be denied. When a permit application is denied, you must make the necessary corrections and resubmit the application. Staff will post deficiencies online for your convenience.

#### Step 5: Construction

During the entire construction phase, all permits must be placed in a window or other prominent place at the project site and a copy of the county-approved building plans and related documents must be maintained at the site.

## Step 6: Inspections

Each major phase of construction must be inspected by a county inspector to make certain the work conforms to the code, the permit and the approved plans.

Inspection requests for each permit may be made via the website or in person. Normally, the response is one business day after the request is

#### The Permit Process - Fairfax County, Virginia

If an inspector finds that work does not conform to the approved plans, the inspector will fail the inspection and provide comments. Another inspection will be necessary before work is resumed.

Inspections
The Herrity Building
12055 Government Center Parkway, 6th Floor
Fairfax, Virginia 22035
Telephone: 703-631-5101, TTY 711, during business hours

Inspection requests online

### Step 7: Field Changes

Most changes will require a review and approval in the same manner as the original application. Please bring any proposed revisions or alterations to the attention of the permit staff before making changes in the field.

### Step 8: Project Completion

When the project is completed and code compliance is determined, the inspector issues a final inspection. The final inspection marks the completion of your project and grants permission to occupy a building with the knowledge that it has met the minimum safety standards as required by code.

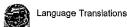
Contact Fairfax County: Phone, Email or Twitter | Main Address: 12000 Government Center Parkway, Fairfax, VA 22035
Technical Questions: Web Administrator

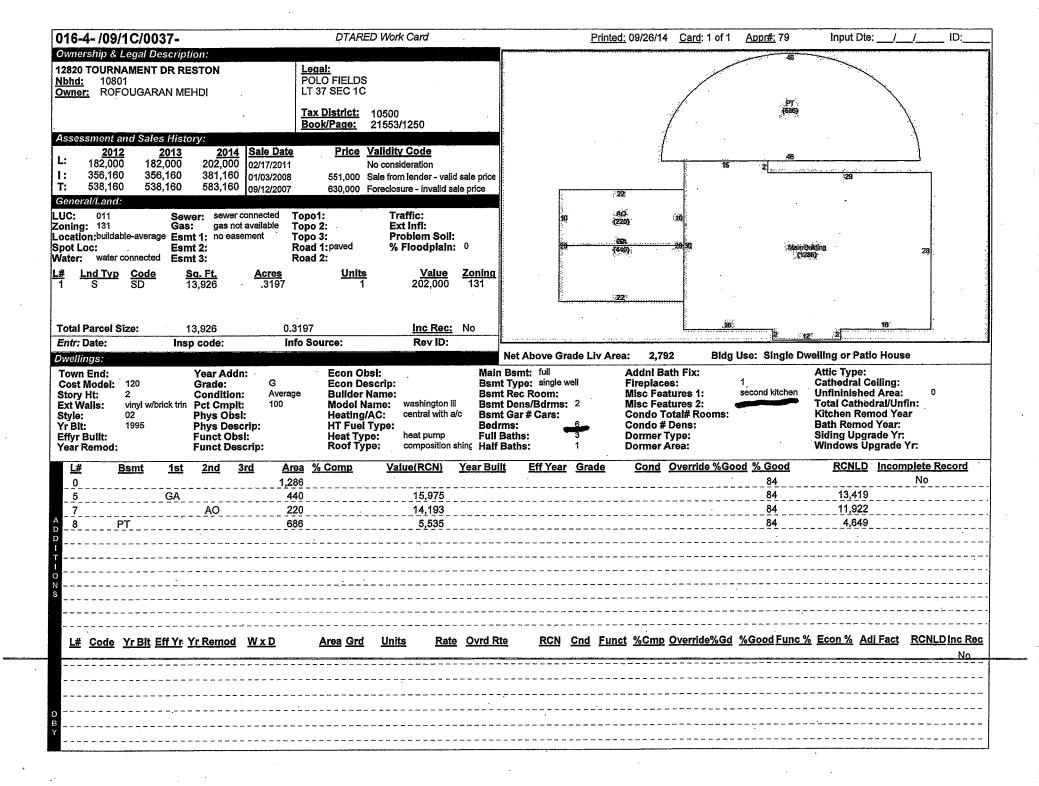
ADA Accessibility | Website Accessibility

Awards | FOIA | Mobile | Using this Site | Web Disclaimer & Privacy Policy | Get Adobe Reader

Official site of the County of Fairfax, Virginia, © Copyright 2013







### This report prepared for you by Reza Rofougaran

Start Email Favorites (26) Possibilities (12) Discarded (0)

Welcome Matt Rofougaran

1 of 1

[1] · Previous · Next · Bottom · Back to System Summary - Customer display

**9 9**29 **4** 

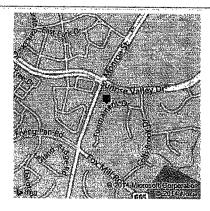
### Metropolitan Regional Information Systems, Inc.

FX6588671 - FAIRFAX 12820 TOURNAMENT DR, RESTON, VA 20191

Full Listing Residential



1 / 29 Exterior (Main)



Status: Sold Close Date: 28-Dec-2007 Ownership: Fee Simple Sale or Rental: Sale Listing Type: Excl. Right

Adv Sub: Polo Fields Legal Sub: POLO FIELDS Condo/Coop Proj Name:

Tax ID: **16-4-9-1C-37**HOA Fee: **\$400.00**/ **Annually**C/C Fee: /

INTERIOR

Style: Colonial Seller Subsidy: \$0 Type: Detached TH Type: #Levels: 3 Auction:

#Fireplaces: 1 Model: Washington IIi

Total Taxes: \$5,460 Tax Year: 2007 Lot AC/SF: .32/13,926 List Price: \$549,000 Close Price: \$551,000 Inc City/Town: Zip: 20191 - 5860 Election District:

Transaction Type: Foreclosure, REO/Bank Owned ADC Map Coord: 5G5

Area: 10-2 Level Location:

Age: 19 Year Built: 1995

Elementary: Middle: High: \*School information is provided by independent third party sources and should not be relied upon without verification.

	Total	Main	Upper 1	Upper 2	Lower 1	Lower 2
Bedrooms:	6	0	4	0	2	
Full Baths:	3	0	2	0	1	
Half Baths:	1	1	0	0	0	
Room	Dimensio	ons L	evel	Flooring	Firep	lace
Living Room	16 x 14	M	lain	Hardwood		
Dining Room	14 x 13	M	lain	Hardwood		
Bedroom-Master	17 x 16	บ	pper 1	Carpet		
Sitting Room	13 x 12	U	pper 1	Carpet		
Bedroom-Second	16 x 11	ប	pper 2	Carpet		
Bedroom-Third	13 x 10	U	pper 1	Carpet		
Bedroom-Fourth	10 x 10	U	pper 1	Carpet		
Bedroom-Fifth		L	ower 1	Carpet		
Kitchen	18 x 14	M	lain	Marble		
Recreation Rm		L	ower 1	Carpet		
Family Rm	20 x 14	M	lain	Hardwood	Wood	l Burning
Den		L	ower 1	Carpet		
Garage	22 x 19	M	tain	Other		
Other Room 1		L	ower 1	Vinyl		
Foyer		M	lain	Hardwood		
Family Room						

In-Law/auPair/Ste MBR w/Sit Rm **Recreation Room** 

FEATURES
Rooms: Living Room, Dining Room, Bedroom-Master, Sitting Room, Bedroom-Second, Bedroom-Third, Bedroom-Fourth, Bedroom-Fifth, Kitchen, Recreation Rm, Family Rm, Den, Garage, Other Room 1, Foyer, Family Room, In-Law/auPair/Ste, MBR w/Sit Rm, Recreation Room
Main Entrance: Foyer, Two Story Foyer
Interior Style: Floor Plan-Open
Dining/Kitchen: Gourmet, Kit-Breakfast Bar, Kit-Country, Kit-Family Combo, Kit-Table Space, Sep Dining Rm
Appliances: Dishwasher, Disposal, Dryer, Exhaust Fan, Icemaker, Microwave, Oven/Range-Electric, Refrigerator, Washer
Amenities: Auto Gar Dr Opn, MBA/Sep Shwr, MBA/Sep Tub, Tub-Soaking, W/W Carpeting, Wood Floors
Security: Monitored, Non-Monitored
Windows/Doors:
Walls/Ceilings:

Walls/Ceilings:

Basement: Yes

Basement Type: Full, Fully Finished, Outside Entrance, Rear Entrance

Basement Entrance: Outside Entrance, Rear Entrance

Handicap: None Unit Description:

R-Factor Basement: House Dimensions: x Above Grade Unfinished: Below Grade Finished: 1000

R-Factor Ceilings: SQFT-Tot Fin: 3806 Above Grade Finished: 2806 Below Grade Unfinished: 286

Foundation:

R-Factor Walls:

Tax Living Area: 2,806

DULLES TOLL RD RT267 - EXIT FAIRFAX COUNTY PKWY SOUTH, RIGHT ON SUNRISE VALLEY, PASS COMMUTER LOT 3RD LEFT ON COLTS BROOK DR. 1ST RIGHT ON TOURNAMENT DR. TO 12820 ON RIGHT. FROM NEW WOODLANDS PARK CENTER - 2 BLKS RIGHT ON COLTS BROOK DR.

Directions:

Internet/Public:
BANK-OWNED FORECLOSURE/REO PRICED BELOW MARKET & BELOW ASSESSED VALUE. Short walk to Herndon Commuter Station and future
METRO. This is a VERY BIG Home with Unlimited POTENTIAL, Great Floorplan and big rooms throughout. Main level hardwoods and ceramic tile in
Kitchen. 2nd Kitchen, Full Bath on LL. Shows very well, just needs a little TLC to be Showcase!

**EXTERIOR** 

Building Sites/Lots: Exterior

Lot Dimension: x x

Lot Acres/Sqft: .32/13,926

New Construction: No

Exterior Construction: Brick and Siding, Shingle

Lot Description:
Other Buildings: Above Grade, Below Grade

Original Builder:

Property Condition: As-is condition, Shows Well

Roads: Roofing: Soll Type: Topography: Transportation: View/Exposure: Year Converted:

Year Renovated:

PARKING

Parking: Drvwy/Off Str, Garage

Garage Type: Attached Carport Type:

Parking Incl in List Price: Yes

Parking Incl in Sale Price: Yes

# Gar/Carpt/Assgn Sp: 2//

Parking Space #: Parking Block/Square:

UTILITIES

Heat System: Heat Pump(s) Cool System: Central A/C Water: Public

Sewer Septic: Public Sewer

TV/Cable/Comm:

Heat Fuel: Electric Cool Fuel: Electric Hot Water: Electric

**FINANCIAL INFORMATION** 

Earnest Money: Total Taxes: \$5,460 Tax Year: 2007

Assessments:

Land: \$197,000

Other Fees: / City/Town Tax: Refuse Fee:

Investor Ratio:

Water/Sewer Hook-up: Special Tax Assess: \$279 Improvements: \$385,040 County Tax: \$5,180 Tap: Front Foot Fee: Yr Assessed: 2007

Total Tax Assessment: \$582,040

Total Units:

HOA: Yes

Block/Square:

Parcel Number:

Project Approved: Possession: Settlement

HOA/CONDO

HOA Fee: \$400.00/ Annually

Condo/Coop Fee: / HOA/Condo/Coop Amenities: HOA/Condo/Coop Rules:

HOA/Condo/Coop Fee Includes: HOA/Condo/Coop Management:

**LEGAL INFORMATION** 

Tax Map: 0164 091C0037 Section: 1C

Liher: Zoning Code: 131 Lot #: 37 Phase: Folio: 164

Historic Designation ID: Master Plan Zoning: Contract Info: As is condition clause required, Relo/Bank Addendum, Spec Addndm Req Disclosures: Expt-disclos/disclaim, Limited Service Brokerage, Subj to VA POA

Documents: Special Permits:

**Broker Name: Samson Realty LLC** 

List Date: 08-Nov-2007 Low Price: \$549,000

Orig List Price: \$549,000 Prior List Price: Status Change Date: 31-Dec-2007 Off Mkt Date: DOM-MLS: 22 DOM-Prop: 72

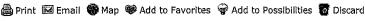
**SOLD INFORMATION** 

Contract Date: 30-Nov-2007 Close Date: 28-Dec-2007 Selling/Rental Office: NVCI1

Sell/Rent Agency: **Buyer Agency**Close Price: \$551,000

Seller Subsidy: \$0

[1] · Previous · Next · Top · Back to System Summary - Customer display



Display: Full - Customer ▼ at 1 ▼ per page.	



Regards
Reza Rofougaran
Associate Broker, Northern Virginia Homes/Stein and Associates
Principal Broker, Northern Virginia Commercial
703-734-0400 (Office/Mobile)
Copyright © 2014 Metropolitan Regional Information Systems, Inc.
Information is believed to be accurate, but should not be relied upon without verification.
Accuracy of square footage, lot size, schools and other information is not guaranteed.

Powered by

09/22/14

Called Complainant

### **DCC Inspection Report**

(Inspection #: 6499993)

CASE#: 201406728

Service Request #: 109975

Problem Code: CZMO: Multiple Occupancy

Date Rcvd: 09/15/2014 Assigned To: BASS Res.Code: OPEN

Location: 12820 Tournament Dr, Reston VA 20191-0000

 Inspection Date
 Inspection #
 Inspection Status
 Insp Sqnce #
 INSPBY

 09/18/14 18:30
 6499993
 FAILED
 1
 WBASSO

Inspection 9/18/14. Mike Caudle assisted. We spoke with the owner, Mehdi Rofougaran (703 856-5613) who allowed us to inspect the interior. There are currently four people living in the house. The owner and a renter named Alex sleep in two of the four bedrooms upstairs. The other two renters, Andy and Steven, sleep in basement bedrooms. Until recently there was a fourth renter named Jacqualine. She moved out in August. There is no multiple occupancy at this time.

Inspection of the basement led to the discovery of the second kitchen. A notice will be sent for multiple dwelling.

The basement bedrooms do not have proper egress, so they were placarded. Also, the smoke alarm in the basement is missing. A field correction notice was issued and a PM case was requested.

CODE Code Violation Status

CERC FINAL ENTER RESOLUTION CODE

02.501 MULTIPLE DWELLING
02.502 MULTIPLE OCCUPANCY UNFND

LOG ACTION

Date LOG TYPE Comments

09/17/14 Assigned Case To Inspector CZONE #1 ASSIGNED TO: WAYNE BASS

### ZONING ORDINANCE PROVISIONS

### 2-501 Limitation on the Number of Dwelling Units on a Lot

There shall be not more than one (1) dwelling unit on any one (1) lot, nor shall a dwelling unit be located on the same lot with any other principal building. This provision shall not be deemed, however, to preclude multiple family dwelling units as permitted by the provisions of this Ordinance; an accessory use or accessory service use as may be permitted by the provisions of Article 10; an accessory dwelling unit as may be approved by the BZA in accordance with the provisions of Part 9 of Article 8; single family attached dwellings in a rental development; or a condominium development as provided for in Sect. 409 above; or antennas and/or related unmanned equipment structures for a mobile and land based telecommunications facility mounted on a utility distribution pole, utility transmission pole or light/camera standard in accordance with the provisions of Sect. 514 below.

In addition, in all districts, the Board or BZA, in conjunction with the approval of a special exception or special permit use, may allow dwelling units for a proprietor, owner and/or employee and his/her family whose business or employment is directly related to the special exception or special permit use. Such dwelling units may either be located within the same structure as the special exception or special permit use or in separate detached structures on the same lot. If located in separate detached structures, such dwelling units shall meet the applicable bulk regulations for a principal structure set forth in the specific district in which located, and any locational requirements set forth as additional standards for a special exception or special permit use shall not be applicable to detached structures occupied by dwelling units.

### PART 3 20-300 DEFINITIONS

DWELLING: A building or portion thereof, but not a MOBILE HOME, designed or used for residential occupancy. The term 'dwelling' shall not be construed to mean a motel, rooming house, hospital, or other accommodation used for more or less transient occupancy.

DWELLING UNIT: One (1) or more rooms in a residential building or residential portion of a building which are arranged, designed, used, or intended for use as a complete, independent living facility which includes permanent provisions for living, sleeping, eating, cooking and sanitation. Occupancy shall be in accordance with the provisions of Sect. 2-502.

# **BUILDING PERMIT APPLICATION**

FAIRFAX (	COUNTY	OFFICE	OF BUI	LDING	COL	E SE	RVICE
PERMIT A	PPLICAT	ION CEN	ITER	***	7.	Ε.	
12055 C	_4 674> W4				~~~ ~~~		

FARFAX COUNTY OFFICE OF BUILDING CODE SERVICES FERMIT APPLICATION CENTER T005 Government Center Parkway, 2nd Floor Tclephone: 703-222-0801
Fairfax, Virginia 22035-5504 Web site: www.fairfaxcounty.gov/dpwes
FILL IN ALL APPROPRIATE INFORMATION IN THIS COLUMN (PLEASE PRINT OR TYPE)
JOB LOCATION
ADDRESS 12820 tournant Dr 20191
LOT# BUILDING Reston VA
FLOOR SUITE
SUBDIVISION Job fields 10
TENANT'S NAME
OWNER INFORMATION OWNER I TENANT I
NAME 12820 TOUT WATER MITTY MITTY ALL
ADDRESS Return 12820 tournamt Dr
CITY Peston STATE NA ZIP 20191
TELEPHONE
CONTRACTOR INFORMATION SAME AS OWNER [A]
CONTRACTORS MUST PROVIDE THE FOLLOWING:
ADDRESS COMPANY NAME CARROLL REPORTS R.
CITY STATE ZIP    TELEPHONE
STATE CONTRACTORS LICENSE #
COUNTY BPOL#
APPLICANT Horizon
Z Bellroom 10211=2 FWBMIT
BATURGOM 64X11 NOWET
triTcHen 5 x10 po 200 kit
LOUNDRY
HOUSE TYPE
ESTIMATED COST OF CONSTRUCTION (15000)
BLDG AREA (SQ FT OF FOOTPRINT)
USE GROUP OF BUILDING
TYPE OF CONSTRUCTION
SEWER SERVICE PUBLIC   SEPTIC   OTHER
WATER SERVICE PUBLIC   WELL   OTHER
OTHER PLEASE SPECIFY
DESIGNATED MECHANICS' LIEN AGENT (Residential Construction Only)
NAME
ADDRESS
NONE DESIGNATED
CHARACTERISTICS FOR NEW SFD, TH, APT & CONDOS
# KITCHENS EXTER. WALLS
# BATHS INTER. WALLS
# HALF BATHS ROOF MATERIAL
# BEDROOMS FLOOR MATERIAL

Any and all information and/or stamps on the reverse side of this form are a part Any and an information among stamps on the reverse side of this form are a part of this application and must be complied with. I hereby certify that I have authority of the owner to make this application, that the information is complete and correct, and that the construction and/or use will conform to the building code, the zoning ordinance and other applicable laws and regulations which relate to the property.

FIN. BASEMENT

HEATING FUEL

# FIREPLACES

HEATING SYSTEM

# OF ROOMS

BUILDING HEIGHT

BUILDING AREA

# STORIES

BASEMENT

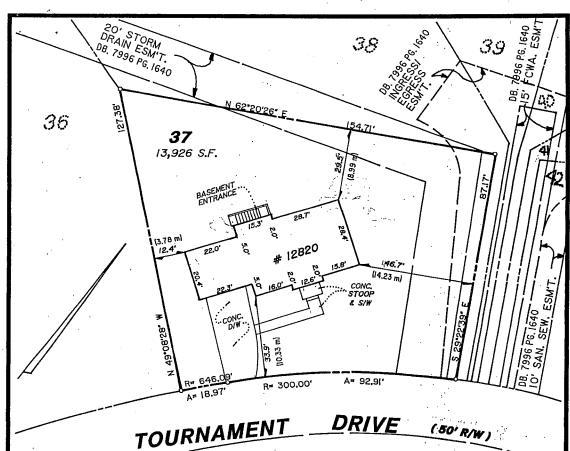
Coffice Color	12-22-05
Signature of Owner or Agent	Date
DIECTOR 11 - Fire	e a

Printed Name and Alue
(Notarization of signature is required if owner is listed as the contractor and is not Printed Name and Title

PERMIT :	# 05356B0530
· · · · · · · · · · · · · · · · · · ·	NS CALL 703-222-0455 (see back for more information)
DO NOT Y	VRIJE IN GRAY SPACES - COUNTY USE ONLY
PLAN#	20-05-07438
TAX MAP #	016-4-109/10/005
ROUTING	DATE APPROVED BY
LICENSING	
ZONING	
SITE PERMITS	Section 1 Control of the Control of
HEALTH-DEP	
BUILDING RE	VIEW 12/28/65 KGA
SANITATION	等等是 <b>第二个字子的</b> 第二章 医多种种皮肤皮肤的
FIRE MARSH	
ASBESTOS	
PROFFERS	· · · · · · · · · · · · · · · · · · ·
FEE	\$ 14H 204
FILING FEE	* WOY
AMOUNT DU	E = \$
BUILDING PI	AN REVIEW
The first time to the first time and a particle of	#OFHOURS
REVISION FEI	
FIRE MARSHA	V. Der Stall (2017) 1997 (1997) 1997 (1997) 1997 (1997) 1997 (1997) 1997 (1997) 1997 (1997) 1997 (1997) 1997
	TS PLAN LOC: J D R D
	1 C
	OR ISSUANCE OF BUILDING PERMIT
(TOGOLI)	MA 12/29/95
BY	DATE
ZONING REV	IEW_
USE SFI)	-95
ZONING DISTRIC	F R-3C HISTORICAL DISTRICT
ZONING CASE	. #
GROSS FLOOR	AREA OF TENANT SPACE
YARDS:	GARAGE 1 2 3 1
FRONT	/ OPTIONS YES □ NO □ /
FRONT /	REMARKS No ZNO Ketchen
L SIDE	I Do wet BAR, FINIST
R SIDE	- BASement Flower
REAR	= p/an
GRADING AN	D DRAINAGE REVIEW
SOILS #	A D B D C D
AREA TO BE DIST	URBED (TOTAL SQ FT THIS PERMIT)
IMPERVIOUS ARE	A (TOTAL SQ FT THIS PERMIT)
PLAN #	APPR. DATE
STAMPS .	This
	This permit is approved with the understanding
c	ooking facilities and will not be
11	ving space in a manner that would constitute
	ne establishment of a separate dwelling unit.
REMARKS	
<u>·</u>	
OTARIZATION CO	Acciner
OTARIZATION (if ate (or territory or district)	required) of
ounty (or city) of	
	to wit: I,
otary Public in the State and	County aforesaid, do certify that
, <u> </u>	anytholate, do octuly mat
hose name is sim-14-41	maliantian and 11 cf.
nose name is signed to this a	application, appeared before me in the State and County aforesaid

NOTARIZATION (if required) State (or territory or district) of	
County (or city) of	, to wit
Notary Public in the State and County aforesaid, do cer	tify that
whose name is signed to this application, appeared befor	ore me in the State and County aforesaid
Given under my hand this day of	,20M
commission expires theday of	, 20





THE PROPERTY SHOWN HEREON IS LOCATED IN A ZONE C FLOOD DESIGNATION AND IS SUBJECT TO MINIMAL FLOODING

HOUSE LOCATION GURYEY

LOT 37

POLO FIELDS

SECTION 1-C

RESTON

CENTREVILLE DISTRICT

FAIRPAX COUNTY, VIRGINIA

FINAL APPROVAL

NOV 1 0-1993. ZONING ADMINISTRATION DIVISION DEPARTMENT OF PLANNING AND ZONY G

1364 WD SURVEYO

THIS HOUSE LOCATION SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT PURPORT TO REFLECTALL EASEMENTS, ENCUMBRANCES OR OTHER CIRCUMSTANCE AFFECTING THE TITLE TO THIS PROPERTY.

THIS SURVEY IS NOT INTENDED TO BE USED AS AN AID FOR THE CONSTRUCTION OF FENCES OR OTHER IMPROVEMENTS.

SCALE : 1"= 30"

DATE: AUG/94

DRAWN BY: JM

WALL CHECK: FEB.7.95

RECERTIFICATION:

FINAL LOC. : MAY-12-95

URBAN ENGINEERING & ASSOC., INC.

CIVIL ENGINEERS . LANDSCAPE ARCHITECTS . SURVEYORS

7712 LITTLE RIVER TURNPIKE ANNANDALE, VA. 22003 (703) 642 - 8080

हु । <b>१</b> ज	0.10/10709/
BUILDING PERMIT APPLICATION	PERMIT # 14 16 0600 10
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT	FOR INSPECTIONS CALL: (703) 222-0455
FAIRFAX COUNTY, VIRGINIA PERMIT APPLICATION CENTER	DO NOT WRITE IN THIS SPACE - COUNTY USE ONLY
12055 Government Center Parkway, 2nd Floor	PLAN # 1377- CO 2350
Fairfax, Virginia 22035-5504	TAX MAP# /
(703) 222-0801	
FILL IN ALL APPROPRIATE INFORMATION IN THIS COLUMN (PLEASE PRINT OR TYPE)	ROUTING DATE APPROVED BY:
JOB LOCATION:	ZONING 9-29-9 1-22-2
ADDRESS 12820 Tournament Qu.	SITE PERMITS Q = 2.5571 + 15.66
LOT# 37 BUILDING	SANITATION 6-9-9-9 2-6-9-9
FLOOR SUITE	HEALTH DEPT.
SUBDIVISION POLO Field Sec 10	FIRE MARSHAL
TENANT'S NAME 12/14	BUILDING REVIEW 10/4/14 SFF 1044
OWNER INFORMATION: OWNER TENANT	LICENSING 7.2 7/ 7// L- /
NAME Washington Horrison Inc.	ASBESTOS
ADDRESS 8420 Quarry Rd	-
CITY Manage STATE /A ZIP Ball 1	FEE \$ ===(1 1 1 (-1)
TELEPHONE USI-0834	FILING FEE \$ 7 / 54
CONTRACTOR INFORMATION:	AMOUNT DUE \$
CHECK IF SAME AS OWNER (E)	
COMPANY NAME	REVIEWER / # OF HOURS
ADDRESS	REVISION FEES \$
CITY STATE ZIP	FIRE MARSHAL FEES \$ /
TELEPHONE	
LOCAL CONTRACTOR LICENSE #	FIXTURE UNITS PLAN LOC: J  R
STATE CONTRACTORS LICENSE # A - 010142	APPROVED FOR ISSUANCE OF BUILDING PERMIT
COUNTY BUSINESS ACCOUNT # 000239867	(III) solution
APPLICANT Susan Martin	BY I /// DATE
DESCRIPTION OF WORK	zoning review: zoning class <u>R-3C</u>
DESCRIPTION OF WORK	USE
	ZONING CASE #
SFD Unshington TIL,	GROSS FLOOR AREA OF TENANT SPACE
Rev.	
*HOUSE TYPE	YARDS: GARAGE: 1 2 3 3
HOUSE TYPE	FRONT OPTIONS: YES \Box NO \Box effects  FRONT 36' REMARKS: 110 Alcond
ESTIMATED COST OF CONSTRUCTION \$\frac{125,000}{23111}	LSIDE 10' RETTHEN
BLDG AREA (SQ FT OF FOOTPRINT) 1034(0	R SIDE 25' + Repeater
USE GROUP OF BUILDING	
TYPE OF CONSTRUCTION SB (3/)	REAR 36
SEWER SERVICE: PUBLIC ☐ SEPTIC ☐ OTHER ☐	GRADING AND DRAINAGE REVIEW
WATER SERVICE: PUBLIC/☑ WELL □ OTHER □	SOILS: # A \( \simega \) B \( \simega \) C \( \simega \)
OTHER PLEASE SPECIFY	HISTORICAL DISTRICT
DESIGNATED MECHANICS' LIEN AGENT:	AREA TO BE DISTURBED (TOTAL SQ FT)
(Residential Construction Only)	ADD'L IMPERVIOUS AREA (ADDED SQ FT)
NAME:	PROFFERS
ADDRESS:	PLAN# 3250-50-11 APPR DATE 4/19/94
	STAMPS:
NONE DESIGNATED: PHONE:	
CHARACTERISTICS FOR NEW SFD, TH, APT & CONDOS:	PROBLEM SOILS SEE APPROVED GRADING PLAN
#KITCHENS EXTER WALLS ALB	SITE PLAN AND/OR SOILS REPORT
# BATHS 2 INTER. WALLS DW	- State of the form
# HALF BATHS ROOF MATERIAL AS	(San manage side of a line sing)
# BEDROOMS	(See reverse side of application)
ling the state of	REMARKS: At 17 Correction of
	MIF 9408450540
"STORIES"	The second secon
BUILDING HEIGHT 27 HEATING SYSTEM HA	
BUILDING AREA # FIREPLACES	
BASEMENT BF	
Any and all information and/or stamps on the reverse side of this form are a part of this app	plication and must be complied with. I hereby certify that I have authority of the owner to make
this application, that the information is complete and correct, and that the construction and regulations which relate to the property.	d/or use will conform to the building code, the zoning ordinance and other applicable laws and
XI wan X Maito 9/21/99	
Signature of Owner or Agent Date /	Notary Signature Date (Notary ation required if owner not present at time of application)

Form 13 30(D2) 3/93

Consideration: \$551,000.00

Assessed Value; \$582,040.00

Return To:

Albert W. Thweatt, II, Esquire 605 Lynnhaven Parkway, Suite 201 Virginia Beach, VA 23452

### SPECIAL WARRANTY DEED

THIS DEED, made this 20<sup>th</sup> day of December, 2007, by and between U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE, acting by and through its duly appointed attorney-in-fact, Residential Funding Company, LLC, Grantor and MEHDI ROFOUGARAN and SHADEN ROFOUGARAN, Husband and Wife, Grantees, whose address is:

9854 Faust Drive, Vienna VA 22182

WITNESSETH, that in consideration Ten dollars and No/100 Dollars (\$10.00), and other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor does hereby grant and convey to the Grantees, with Special Warranty, as tenants by the entirety with the right of survivorship as at common law, situated in the County of Fairfax, State of Virginia, and described as follows, to wit:

LOT 37, SECTION 1-C, POLO FIELDS, RESTON, AS THE SAME HAS BEEN RESUBDIVIDED, DEDICATED, PLATTED AND RECORDED IN DEED BOOK 7996 AT PAGE 1630 AMONG THE LAND RECORDS OF FAIRFAX COUNTY, VIRGINIA.

THIS CONVEYANCE IS MADE SUBJECT TO ALL RESTRICTIONS, EASEMENTS, AND RIGHTS OF WAY OF RECORD AFFECTING THE AFORESAID REAL ESTATE.

PROPERTY ADDRESS: 12820 TOURNAMENT DRIVE, RESTON, VA 20191

TAX ID: 016-4-09-1C-0037

TOGETHER with the buildings thereon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto or otherwise appertaining.

Deed Prepared By; Albert W. Thweatt, II, Esquire c/o East Coast Settlement Services, LLC 605 Lynnhaven Pkwy Suite 201 Virginia Beach, VA 23452 WITNESS the hands and seals of the Grantor.

U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE, acting by and through its duly appointed attorney-in-fact, Residential Funding Company, LLC

By: Gary Neuman Vice President

STATE OF TEXAS

CITY/COUNTY OF BALLAS, TO-WIT

On this 1st day of breenber, 2007 before me, a Notary Public, in and for the State of TEXAS appeared Hary Neuman, Vice President of Residential Funding Company, LLC acting as attorney-in-fact for U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE.

**Light Origina** 

E. EVELYN BROWN Notary Public, State of Texas	l
My Commission Expires November 02, 2011	I

My Commission Expires: //- 02 -//

Deed Prepared By: Albert W. Thweatt II, Esquire c/o East Coast Settlement Services LLC 605 Lynnhaven Pkwy Suite 201 Virginia Beach, VA 23452

DEED PREPARATION ONLY NO TITLE EXAMINATION

,

This instrument prepared for Stewart Title & Escrow, Inc. 10505 Judicial Drive, Suite 300 Fairfax, Virginia 22030

Title Insurance underwriter: Unknown to preparer File Number: 1100170 This instrument prepared by: Kevin J. Kelley, 4200 Evergreen Lane, Suite 313 Annandale, VA 22003

Consideration: -0-Tax Map #016-4-09-1C-0037

12820 Tournment Drive, Reston, Va 20191

### THIS DEED IS PART OF A PROPERTY SETTLEMENT AGREEMENT

This deed is exempt from recordation taxes pursuant to Section 58.1-806 of the Code of Virginia, as amended

THIS DEED, Made this \_\_\_\_\_ day of February, 2011, by and between Mehdi

ROFOUGARAN and Shaden ROFOUGARAN, husband and wife, GRANTORS, and Mehdi ROFOUGARAN, married, GRANTEE.

### WITNESSETH:

That for and in consideration of the sum of Ten Dollars (\$10.00) in hand paid, the Grantors do hereby grant and convey, with General Warranty of Title, in fee simple, to the Grantee, the following described property in the County of Fairfax, Virginia, as follows:

Lot 37, Section 1-C, POLO FIELDS, RESTON, as the same has been resubdivided, dedicated, platted and recorded in Deed Book 7996 at Page 1630, among the land records of Fairfax County, Virginia.

AND BEING the same property conveyed to the Grantors by deed recorded among the land records of Fairfax County, Virginia in Deed Book 19729 at Page 2035.

Property address: 12820 Tournament Drive, Reston, Virginia 20191

This deed is subject to covenants, conditions, restrictions and easements contained in the deeds forming the chain of title to this property.

By executing this deed Shaden Rofougaran, does hereby relinquish all right, title and interest in the herein property to Mehdi Rofougaran, including any rights to take against the augmented estate as per Virginia Code Section 64.1-16, et seq.

This deed of conveyance is pursuant to the Property Settlement Agreement between the parties herein.

WITNESS the following signatures and seals:

Mehdi Rofougaran (SEAL)

STATE OF VQ , to wit:

I, the undersigned, a Notary Public in and for the jurisdiction aforesaid, do hereby certify that MEHDI ROFOUGARAN, married, whose name is signed to the foregoing and hereunto annexed deed bearing the date of the <u>\(\lambda\rho\)</u> day of February, 2011, appeared before me in my jurisdiction aforesaid and acknowledged the same before me.

Given under my hand and seal this 16 day of February, 2011.

Notary Public

My commission expires:

Certificate Registration Number

1'15405

2013

Kamelia M. Sacks NOTARY PUBLIC Commonwealth of Virginia Reg. #125407 My Commission Expires July 31, 2013

Certificate Registration Number \_\_\_

STATE OF COUNTY Public in and for the jurisdiction aforesaid, do hereby certify that SHADEN ROFOUGARAN, married, whose name is signed to the foregoing and hereunto annexed deed bearing the date of the b day of February, 2011, appeared before me in my jurisdiction aforesaid and acknowledged the same before me.

Given under my hand and seal this day of February, 2011.

Kamelia M. Sacks NOTARY PUBLIC Commonwealth of Virginia Reg. #125407 My Commission Expires July 31, 2013

Shaden Rofougaran

(SEAL)

3

THIS DEED WAS PREPARED WITHOUT THE BENEFIT OF A TITLE EXAMINATION

This instrument prepared by: Kevin J. Kelley, Esq. 4200 Evergreen Lane, Suite 313 Annandale, Virginia, 22003

Title Insurance underwriter: Unknown to Preparer

Tax Map No.: 0164 091C0037

Grantee's Address: 12820 Tournament Drive

Reston, Virginia 22190

### DEED

This deed is exempt from recordation taxes pursuant to Section 58.1-811A.10 of the Code of Virginia, as amended.

THIS DEED, made this 4<sup>th</sup> day of December, 2014, by and between MEHDI ROFOUGARAN, unmarried, GRANTOR and <u>TOURNAMENT DRIVE</u>, LLC, a Virginia Limited Liability Company, herein called GRANTEE.

### WITNESSETH:

THAT, for estate planning purposes and for no monetary consideration, the Grantor does hereby give, grant and convey with GENERAL ENGLISH COVENANTS, the following described real property located in the County of Fairfax, Virginia:

Lot 37, Section 1-C POLO FIELDS, RESTON, as the same has been resubdivided, dedicated, platted and recorded in Deed Book 7996 at Page 1630, among the land records of Fairfax County, Virginia;

AND BEING the same land conveyed to the Grantor, by deed recorded among the land records of Fairfax County, Virginia in Deed Book 21553 at Page 1250.

The property address is 12820 Tournament Drive, Reston, Virginia 20191

This conveyance is made expressly subject to existing deed(s) of trust, recorded conditions, restrictions, and easements affecting the property hereby conveyed.

The Grantor covenants that he has the right to convey the aforesaid Property and he will warrant specially the property hereby conveyed; and that he will execute such further assurances of said land as may be requisite.

Whenever used herein, the singular shall include the plural, the plural the singular, and the use of any gender shall include all other genders.

WITNESS the following signature and seal:

GRANTOR;

MEHDI ROFQUGA

(SEAL)

The Trustee hereby accepts delivery of this Deed.

 $\geq$  (SEAL)

MEHDI ROBOUGARAN, Trustee of THE RESTON PROPERTIES TRUST dated December 4, 2014

## STATE OF VIRGINIA AT LARGE, COUNTY OF FAIRFAX,

Subscribed, sworn to and acknowledged before me this 4<sup>th</sup> day of December, 2014, by MEHDI ROFOUGARAN, Grantor and MEHDI ROFOUGARAN, Trustee of THE RESTON PROPERTIES TRUST dated December 4, 2014 signed to the foregoing deed.

Notary Public

My commission expires: September 30, 2016 My commission registration No. 127514

Commonwealth Of Virginia Kevin J. Kelley - Notary Public Commission No. 127514 My Commission Expires 9/30/2016

tvij Communication (

THIS DEED WAS PREPARED WITHOUT THE BENEFIT OF A TITLE EXAMINATION

2 of 2

TESTE: J The CLERK

MAP #: 0164 091C0037 TOURNAMENT DRIVE LLC

12820 TOURNAMENT DR

Owner

Name

TOURNAMENT DRIVE LLC,

Mailing Address

12820 TOURNAMENT DR RESTON VA 20191 5860

Book Page 23900 1463

Parcel

**Property Location** 

12820 TOURNAMENT DR

Map#

0164 091C0037

Tax District

10500

District Name Land Use Code HUNTER MILL DIST. #5 Single-family, Detached

Land Area (acreage)

13,926

Land Area (SQFT)
Zoning Description

R-3C(R-3 w/Cluster Dev)

Utilities

WATER CONNECTED SEWER CONNECTED GAS NOT AVAILABLE

County Historic Overlay District

NO

For further information about Historic Overlay Districts, CLICK

HERE

Street/Road

**PAVED** 

Site Description

**BUILDABLE-AVERAGE LOT** 

**Legal Description** 

Legal Description

POLO FIELDS

LT 37 SEC 1C

Last Refresh

Date

Data last refreshed: 17/Jan/2015 DB:P14CUR

General Information

**Need Help?** 

For questions and requests for information about the Real Estate site, call 703-222-8234 or CLICK HERE

**Disclaimer/Privacy Policy** 

Under Virginia State law these records are public information. Display of this information on the Internet is specifically authorized by Va. Code 58.1-3122.2 (1998). See the Virginia State Code to read the pertinent enabling statute.

If you believe any data provided is inaccurate or if you have any comments about this site, we would like to hear from you. Owner names will be withheld from the Internet record upon request. Comments or requests may be made via e-mail to the Real Estate Division at Real Estate Division or by phone at (703) 222-8234.

While Fairfax County has attempted to ensure that the data contained in this file is accurate and reflects the property's characteristics, Fairfax County makes no warranties, expressed or implied, concerning the accuracy, completeness, reliability, or suitability of this data. Fairfax County does not assume any liability associated with the use or misuse of this data.

Source: Fairfax County Department of Tax Administration, Real Estate Division.

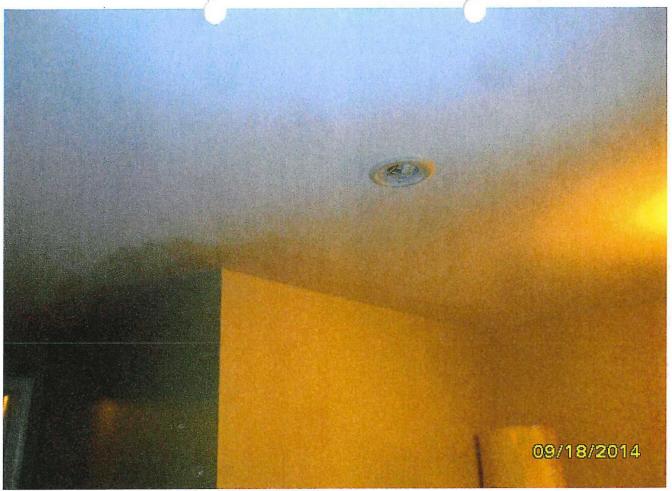
### **ATTACHMENT 6**



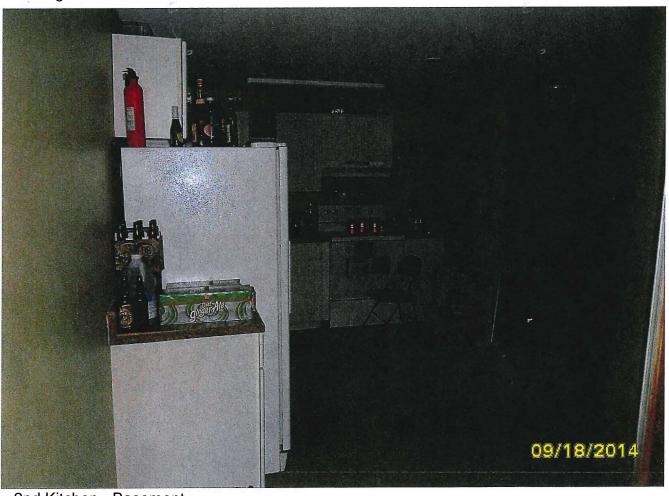
Basement Bedroom #1



Basement Bedroom #2



Missing Smoke Alarm - Basement



2nd Kitchen - Basement



2nd Kitchen - Basement

10/18/2012 09:45:15

VIRGINIA:

### IN THE CIRCUIT COURT OF FAIRFAX COUNTY

EILEEN M. McLANE, FAIRFAX COUNTY ZONING ADMINISTRATOR,

Plaintiff,

2012 12685

CASE NO. CL-2012-\_

ABHLJITT DUTTA

and

JIL DUTTA,

Defendants.

### AGREED FINAL ORDER

THIS CAUSE came before the Court at the request of Plaintiff Eileen M.

McLane, Fairfax County Zoning Administrator ("Zoning Administrator"), and

Defendants, Abhijitt Dutta and Jil Dutta ("Defendants"), for the entry of this Agreed

Final Order; and

IT APPEARING TO THE COURT that the property owned by the Defendants that is the subject of this lawsuit is located at 11318 Beach Mill Road, Great Falls, Virginia (Tax Map No. 2-4((2)) parcel A) ("subject property"), contains approximately two acres, and is zoned to the R-E District (Residential-Estate District, One Dwelling Unit/ Two Acres); and

IT FURTHER APPEARING TO THE COURT that the Defendants are establishing and/or maintaining more than one dwelling unit on the subject property in violation of the Fairfax County Zoning Ordinance ("Zoning Ordinance") § 2-501; and

cho Act & 1cho 22

'IT FURTHER APPEARING TO THE COURT that the Defendants have received a copy of the Complaint filed in this action; and

IT FURTHER APPEARING TO THE COURT that the Zoning Administrator and the Defendants have agreed to settle this case under the terms and conditions set forth below as evidenced by the endorsements hereon of the Defendants and counsel for the Zoning Administrator; and

IT FURTHER APPEARING TO THE COURT that the parties hereto agree that the terms of this Agreed Final Order are reasonable and shall not be modified except by the written agreement of the Zoning Administrator and the Defendants with the approval of this Court; and

IT FURTHER APPEARING TO THE COURT that this Agreed Final Order should be entered; now, therefore, it is hereby

ADJUDGED and ORDERED as follows:

- Establishing and/or maintaining more than one dwelling unit on the subject property violates Zoning Ordinance § 2-501; and
- 2. The Defendants shall, within 30 days after the entry of this Agreed Final Order, submit a full and complete application for a Special Permit for an accessory dwelling unit to the Fairfax County Board of Zoning Appeals ("BZA") to permit the Defendants to establish and/or maintain two dwelling units on the subject property subject to the conditions of the Special Permit ("Special Permit"); and
- 3. The Defendants shall diligently and expeditiously pursue the BZA's approval of their Special Permit application, cooperate in scheduling the earliest possible hearing date on the application, and satisfy all requests and conditions of the BZA and

County Staff relative to the Special Permit application and the approved Special Permit within 14 days, if no other time is specified by the BZA, and the parties agree that the failure to comply with this provision shall be considered a failure to diligently pursue the BZA's approval of such application and/or a failure to comply with any conditions imposed on an approved Special Permit; provided however, that the Zoning Administrator in her sole discretion, may agree to extend the deadlines set forth herein as long as such agreement is in a writing signed by the Zoning Administrator; and

- 4. If the Defendants fail to timely submit a complete Special Permit application, fail to obtain the BZA's approval of the Special Permit application, or fail to diligently pursue the BZA's approval of such application as defined above, the Defendants shall, within 30 days after the first to occur of these events, permanently reduce the number of dwelling units on the subject property to not more than one as required by Zoning Ordinance § 2-501 by lawfully and permanently removing from the subject property all dwelling units exceeding one, including all utilities, furnishings, and appliances related thereto, to a lawful site, with such removal to include the capping and sealing of all utilities in the walls and removing all stoves, ovens, microwave ovens, ranges, toaster ovens, cabinets, countertops, refrigerators, freezers, and sinks on a permanent basis and all interior door locks that prevent the free and unfettered access to all common living areas in the single-family dwelling on the subject property and prevent the free and unfettered access between the various levels of the single-family dwelling on the subject property; and
- Subject to the times set forth herein for remediation, the Defendants, their agents, employees, and/or tenants are permanently enjoined from establishing,

maintaining, and/or allowing the maintenance of more than one dwelling unit on the subject property in violation of Zoning Ordinance § 2-501 at any time in the future without the approval by the BZA of a Special Permit permitting an accessory dwelling unit on the subject property; and

- 6. Subject to the times set forth herein for remediation, establishing, maintaining, and/or allowing the maintenance of more than one dwelling unit on the subject property in violation of Zoning Ordinance § 2-501 at any time in the future is permanently enjoined without the approval by the BZA of a Special Permit permitting an accessory dwelling unit on the subject property; and
- 7. Should the BZA approve a Special Permit permitting an accessory dwelling unit on the subject property, the Defendants shall promptly and fully comply with all terms and conditions imposed by the BZA on the approved Special Permit; and
- 8. The Zoning Administrator and/or her agents shall be permitted to enter dwelling on the subject property at reasonable times to inspect and photograph the interior of the dwelling on the subject property for the purpose of monitoring compliance with the terms of this Agreed Final Order; and
- 9. If the Defendants and/or their agents, employees, tenants, and/or successors-in-interest fail to comply with any of the provisions set forth in this Agreed Final Order, they, he, she, or it shall pay \$100 to the County of Fairfax (delivered to the Office of the County Attorney in the form of a certified check made payable to the "County of Fairfax") for each day the Court finds the subject property is in violation of this Agreed Final Order. Payment of this amount shall be in addition to any sanctions the

### BK 22636 1477

Court may impose upon a finding of contempt for any violation of this Agreed Final Order; and

- 10. The terms and deadlines set forth in this Agreed Final Order are reasonable and shall not be modified except by the written agreement of the parties with the approval of this Court; and
- 11. The Clerk of the Fairfax County Circuit Court shall record a copy of this Agreed Final Order among the land records of Fairfax County, Virginia, pursuant to Va. Code Ann. § 17.1-227 (Supp. 2011), to give notice of the prohibitions and restrictions contained herein to any successors-in-interest of the Defendants and shall index this Agreed Final Order as follows:

GRANTOR:

Abhijit Dutta; Jil Dutta

GRANTEES:

Eileen M. McLane; Fairfax County Zoning Administrator

2012.

AND THIS ORDER IS FINAL.

ENTERED this 26 day of

JUDGE FAIRFAX COUNTY CIRCUIT COURT

### BK 22636 1478

WE ASK FOR THIS:

DAVID P. BOBZIEN COUNTY ATTORNEY

Sara G. Silverman (VSB No. 77317)

Assistant County Attorney

12000 Government Center Parkway, Suite 549

Fairfax, Virginia 22035-0064 Telephone: (703) 324-2421

Facsimile: (703) 324-2665 Counsel for Plaintiff Eileen M. McLane, Fairfax County Zoning Administrator

SEEN AND AGREED:

See attached

Abhijit Dutta 11318 Beach Mill Road Great Falls, Virginia 22066 Defendant *Pro se* 

SEEN AND AGREED:

See attached

Jil Dutta 11318 Beach Mill Road Great Falls, Virginia 22066 Defendant *Pro se* \s17prolaw01\Documents\115646\SQS\418002.doc WE ASK FOR THIS:

DAVID P. BOBZIEN COUNTY ATTORNEY

Sara G. Silverman (VSB No. 77317)

Assistant County Attorney

12000 Government Center Parkway, Suite 549

Fairfax, Virginia 22035-0064

Telephone: (703) 324-2421

Facsimile: (703) 324-2665

Counsel for Raintiff Eileen M. McLane, Fairfax County Zoning Administrator

SEEN AND AGREEM

8-13-2012

Abhijit Dutta

11318 Beach Mill Road

Great Falls, Virginia 22066

Defendant Pro se

SEEN AND AGREED:

8-13-2013

Jil Dutta

11318 Beach Mill Road

Great Falls, Virginia 22066

Defendant Pro se

\\s17\molaw01\Documents\115646\\$G5\418002.doc



### VIRGINIA:

### IN THE CIRCUIT COURT OF FAIRFAX COUNTY

EILEEN M. McLANE, FAIRFAX COUNTY ZONING ADMINISTRATOR,

Plaintiff,

CASE NO. CL-2012-0001974

RICHARD MORATO

and

ELIZABETH G. WEBER,

Defendants.

### DEFAULT JUDGMENT

THIS CAUSE came on to be heard upon the Motion for Entry of Default

Judgment filed by Eileen M. McLane, Fairfax County Zoning Administrator ("Zoning

Administrator"), against Defendants, Richard Morato and Elizabeth G. Weber

("Defendants"); and

IT APPEARING TO THE COURT that the Zoning Administrator filed a Complaint for Declaratory Judgment and Injunctive Relief ("Complaint") in this case on February 6, 2012, alleging that the Defendants were maintaining more than one dwelling unit on the property located at 7132 Tyler Avenue, Falls Church, Virginia 22042 (Tax Map No. 50-3((9)) parcel 29) ("subject property") in violation of Fairfax County Zoning Ordinance ("Zoning Ordinance") § 2-501; and

IT FURTHER APPEARING TO THE COURT that the Defendants own the subject property; and

IT FURTHER APPEARING TO THE COURT that the Complaint was served by posting on the Defendants on February 10, 2012, pursuant to Va. Code Ann. § 8.01-296(2)(b) (Supp. 2011); and

IT FURTHER APPEARING TO THE COURT that Rule 3:19(a) of the Rules of the Supreme Court of Virginia (2011) provides that the Defendants are in default because they have failed to file a responsive pleading in this case and a period in excess of 21 days has elapsed after service of the Complaint upon them in this Commonwealth; now therefore, it is hereby

### ADJUDGED and ORDERED as follows:

- By failing to file any responsive pleadings in this case, the Defendants are in default, and the Zoning Administrator's Motion for Entry of Default Judgment is granted; and
- 2. The establishment and/or maintenance of more than one dwelling unit on the subject property violates Zoning Ordinance § 2-501; and
- 3. The Defendants shall, within 15 days after the entry of this Default Judgment, permanently reduce the number of dwelling units on the subject property to not more than one as required by Zoning Ordinance § 2-501 by lawfully removing from the subject property all dwelling units exceeding one, including all utilities, furnishings, and appliances related thereto, to a lawful site, with such removal to include the capping and sealing of all utilities in the walls, removing all stoves, ovens, microwave ovens, ranges, toaster ovens, cabinets, countertops, refrigerators, freezers, and sinks on a permanent basis, and removing all interior door locks that prevent the free and unfettered

access to all common living areas and/or between the various levels of the single-family dwelling on the subject property; and

- 4. The Defendants, their tenants, agents, and/or employees are permanently enjoined from establishing, allowing, and/or maintaining more than one dwelling unit on the subject property in violation of Zoning Ordinance § 2-501; and
- 5. Establishing and/or maintaining more than one dwelling unit on the subject property in violation of Zoning Ordinance § 2-501 is permanently enjoined; and
- 6. The Zoning Administrator and/or her agents shall be permitted to enter upon the subject property and within the interior of the single-family dwelling thereon at reasonable times to inspect and photograph the subject property for the purpose of monitoring compliance with the terms of this Default Judgment; and
- 7. The Clerk of the Fairfax County Circuit Court shall record a copy of this Default Judgment among the land records of Fairfax County, Virginia, pursuant to Va. Code Ann. § 17.1-227 (Supp. 2011), to give notice of the prohibitions and restrictions contained herein to any successors-in-interest to the Defendants and shall index this Default Judgment as follows:

GRANTORS: Richard Mor

Richard Morato; Elizabeth G. Weber

**GRANTEES:** 

Eileen M. McLane; Fairfax County Zoning Administrator

AND THIS ORDER IS FINAL.

ENTERED this 6 day of April

2012.

Judge, Fairfax County Circuit Court

### WE ASK FOR THIS:

DAVID P. BOBZIEN COUNTY ATTORNEY

Sara G. Silverman (VSB No. 77317)

Assistant County Attorney

12000 Government Center Parkway, Suite 549

Fairfax, Virginia 22035-0064

(703) 324-2421

(703) 324-2665 (fax)

Counsel for Plaintiff Eileen M. McLane, Fairfax County Zoning Administrator

SEEN:

Richard Morato 7132 Tyler Avenue

Falls Church, Virginia 22042

Defendant pro se

Elizabeth G. Weber 7132 Tyler Avenue Falls Church, Virginia 22042 Defendant pro se

\\s17prolaw01\Documents\114961\SGS\410332.doc

A COPY TESTE: JOHN T. FREY, CLERK

Deputy Clerk

Date: 9/6/2-0/2
Original retained in the office of the Clerk of the Circuit Court of Fairfax County, Virginia

4





### IN THE CIRCUIT COURT OF FAIRFAX COUNTY

EILEEN M. McLANE, FAIRFAX COUNTY ZONING ADMINISTRATOR,

and

MICHAEL R. CONGLETON, PROPERTY MAINTENANCE CODE OFFICIAL FOR FAIRFAX COUNTY, VIRGINIA,

Plaintiffs,

**V**.

CASE NO. CL-2010-0014408

DULAL M. MIAH,

Defendant.

### AGREED FINAL ORDER

THIS CAUSE came before the Court by agreement of the Plaintiffs, Eileen M. McLane, Fairfax County Zoning Administrator ("Zoning Administrator"), and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia ("Code Official"), and Defendant Dulal M. Miah ("Defendant") for the entry of this Agreed Final Order; and

IT APPEARING TO THE COURT that the property that is the subject of this Agreed Final Order is located at 6021 Munson Place, Falls Church, Virginia (Tax Map No. 61-2((6)) parcel 29) ("subject property"), is zoned to the R-3 District (Residential District, Three Dwelling Units/Acre), and is owned by the Defendant; and

TT FURTHER APPEARING TO THE COURT that the Zoning Administrator and the Code Official brought this action against the Defendant to prohibit him from (1) maintaining a second dwelling unit in the single-family dwelling on the subject property in violation of Zoning

Ordinance § 2-501; (2) allowing one family and more than two roomers or boarders to reside in the single family dwelling on the subject property in violation of Zoning Ordinance § 2-502; (3) conducting a home occupation, specifically, the letting for hire of any two rooms for rooming or boarding use for not more than two persons, none of whom are transients, as an accessory use of the subject property without a Home Occupation Permit in violation of Zoning Ordinance §§ 2-302(8) and 10-302(7); (4) paving more than 30% of the area of the minimum required rear yard of the subject property in violation of Zoning Ordinance § 10-103(3); and (5) allowing rooms located in the basement of the dwelling on the subject property to be used for sleeping purposes without providing the required emergency escape openings in violation of § 702.4 of the Virginia Uniform Statewide Building Code, Part III, Maintenance (2006 Edition) ("Virginia Maintenance Code"), effective May 1, 2008; and

IT FURTHER APPEARING TO THE COURT that subsequent to the filing of the Complaint the Defendant brought the subject property into compliance with Zoning Ordinance §§ 2-502, 2-302(8), and 10-302(7) and Virginia Maintenance Code § 702.4; and

IT FURTHER APPEARING TO THE COURT that the subject property remains in violation of Zoning Ordinance §§ 2-501 and 10-103(3): and

IT FURTHER APPEARING TO THE COURT that the Zoning Administrator, the Code Official, and the Defendant have agreed to settle this case under the terms and conditions set forth below, as evidenced by the endorsements hereon of the Defendant and counsel for the Zoning Administrator and the Code Official; and

IT FURTHER APPEARING TO THE COURT that the parties hereto agree that the terms of this Agreed Final Order are reasonable and shall not be modified except by the written agreement of the Zoning Administrator, the Code Official, and the Defendant with the approval

of this Court; and

IT FURTHER APPEARING TO THE COURT that this Agreed Final Order should be entered; now, therefore, it is hereby

### ADJUDGED and ORDERED as follows:

- 1. Maintaining more than one dwelling unit in the dwelling on the subject property violates Zoning Ordinance § 2-501.
- 2. Allowing more than two roomers or boarders to occupy the single-family dwelling on the subject property violates Zoning Ordinance § 2-502.
- 3. Conducting a home occupation, specifically, the letting for hire of not more than two rooms for rooming or boarding use for not more than two persons, none of whom are transients, as an accessory use of the subject property without a Home Occupation Permit approved by the Zoning Administrator violates Zoning Ordinance 2-302(8) and 10-302(7).
- 4. Paving more than 30% of the area of the minimum required rear yard of the subject property violates Zoning Ordinance 10-103(3).
- 5. Allowing rooms located in the basement of the dwelling on the subject property to be used for sleeping purposes without providing the required emergency escape openings violates Virginia Maintenance Code § 702.4.
- 6. The Defendant, within 30 days after entry of this Agreed Final Order in favor of the Zoning Administrator in this case, shall bring the subject property into compliance with Zoning Ordinance § 2-501 by (1) permanently removing from the subject property to a lawful site all but one kitchen located in the dwelling on the subject property, to include the ovens, microwaves, ranges, toaster ovens, sinks, cabinets, countertops, refrigerators, and freezers or combinations thereof, and all other appliances and accounterments used or intended for use for

cooking or eating; (2) permanently capping and sealing or terminating as appropriate all utilities including gas, electric, water supply, and sanitary lines that service the second kitchen in the basement of the dwelling on the subject property; (3) permanently ceasing the use of all but one dwelling unit on the subject property and restoring the structure so that it contains no more than one dwelling unit, by permanently removing all partitions and/or keyed locks on the doors of the rooms in the interior of the dwelling unit so as not to restrict internal access through the dwelling on the subject property; and (4) permanently removing all of the foregoing items and all related debris from the subject property to a lawful site.

- 7. The Defendant, within 30 days after entry of this Agreed Final Order in favor of the Zoning Administrator in this case, shall bring the subject property into compliance with Zoning Ordinance § 10-103(3) pursuant to any plans or permits that may be required by permanently reducing the minimum required rear yard so that no more than 30% of the minimum required rear yard is covered with asphalt or any other impervious surface, and permanently removing all related debris from the subject property to a lawful site.
- 8. The Defendant, his agents, employees, and/or tenants are permanently enjoined from maintaining and/or allowing the maintenance of more than one dwelling unit on the subject property at any time in the future in violation of Zoning Ordinance § 2-501.
- 9. The maintenance and/or allowing the maintenance of more than one dwelling unit on the subject property at any time in the future in violation of Zoning Ordinance § 2-501 is permanently enjoined.
- 10. The Defendant, his agents, employees, and/or tenants are permanently enjoined from occupying and/or allowing the single-family dwelling on the subject property to be occupied at any time in the future in violation of Zoning Ordinance § 2-502.

- 11. The occupation and/or allowing the single-family dwelling on the subject property to be occupied at any time in the future in violation of Zoning Ordinance § 2-502 is permanently enjoined.
- 12. The Defendant, his agents, employees, and/or tenants are permanently enjoined from conducting any home occupation on the subject property, and/or allowing the operation of the same without a Home Occupation Permit approved by the Zoning Administrator, at any time in the future in violation of Zoning Ordinance §§ 2-302(8) and 10-302(7).
- 13. Any home occupation on the subject property without a Home Occupation Permit approved by the Zoning Administrator at any time in the future in violation of Zoning Ordinance §§ 2-302(8) and 10-302(7) is permanently enjoined.
- 14. The Defendant, his agents, employees, and/or tenants are permanently enjoined from allowing any and all uses and structures accessory to the single family dwelling on the subject property to cover more than 30% of the minimum required rear yard on the subject property at any time in the future in violation of Zoning Ordinance § 10-103(3).
- 15. The maintenance of any and all uses and structures accessory to the single family dwelling on the subject property that cover more than 30% of the minimum required rear yard on the subject property at any time in the future in violation of Zoning Ordinance § 10-103(3) is permanently enjoined.
- 16. The Defendant, his agents, employees, and/or tenants are permanently enjoined from allowing rooms located in the basement of the dwelling on the subject property to be used for sleeping purposes without providing the required emergency escape openings at any time in the future in violation of Virginia Maintenance Code § 702.4.
  - 17. The allowance of rooms located in the basement of the dwelling on the subject

property to be used for sleeping purposes without providing the required emergency escape openings at any time in the future in violation of Virginia Maintenance Code § 702.4 is permanently enjoined.

- 18. If the Defendant, his agents, employees, and/or any successors-in-interest fail to comply with the provisions set forth in this Agreed Final Order, he, she, they, or it shall pay the sum of \$100 per day to the County of Fairfax (delivered to the Office of the County Attorney in the form of a certified check made payable to the "County of Fairfax") for every day the Court finds a violation. Payment of this amount shall be in addition to any fines, sanctions, punishments, or penalties that the Court may impose upon a finding of contempt for any violation of this Agreed Final Order.
- 19. The Zoning Administrator, the Code Official, and/or their respective agents shall be permitted to enter upon the subject property, including the exterior and interior of the dwelling on the subject property, at reasonable times to inspect it to monitor compliance with the terms of this Agreed Final Order.
- 20. The terms set forth in this Agreed Final Order are reasonable and shall not be modified except by the written agreement of the parties with the approval of this Court.
- 21. The Clerk of the Fairfax County Circuit Court shall record a copy of this Agreed Final Order among the land records of Fairfax County, Virginia, pursuant to Va. Code Ann. § 17.1-227 (Supp. 2010), to give notice of the prohibitions and restrictions contained herein to any successors-in-interest of the Defendant and shall index said Agreed Final Order as follows:

**GRANTOR:** 

Dulal M. Miah

**GRANTEES:** 

Eileen M. McLane; Fairfax County

Zoning Administrator;

Michael R. Congleton; Property Maintenance Code Official for Fairfax County, Virginia

AND THIS CAUSE IS FINAL.

ENTERED this 12 day of

2011 \_<del>2010</del>.

JUDGE, FAIRFAX COUNTY CIRCUIT COURT

WE ASK FOR THIS:

DUIAIMIAH

Dulal M. Miah 6021 Munson Place

Falls Church, Virginia 22041

DAVID P. BOBZIEN COUNTY ATTORNEY

Cherie L. Halyard (VSB No. 39\$2)

Assistant County Attorney

12000 Government Center Parkway, Suite 549

Fairfax, Virginia 22035-0064 (703) 324-2421 (telephone)

(703) 324-2665 (facsimile)

Counsel for Plaintiffs Eileen M. McLane, Fairfax County Zoning Administrator and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia

A COPY TESTE:

Deputy Clerk

Date: / - 3/- 20/ Original retained in the office of the Clerk of the Circuit Court of Fairfax County, Virginia

7



# VIRGINIA:

# IN THE CIRCUIT COURT OF FAIRFAX COUNTY

EILEEN M. McLANE, FAIRFAX COUNTY ZONING ADMINISTRATOR,

Plaintiff,

•

Case No. CL-2010-0014776

IDALIA CRUZ, et al.,

Defendants.

# **DEFAULT JUDGMENT**

THIS CAUSE is before the Court upon the Motion for Entry of Default Judgment filed by Plaintiff, Eileen M. McLane, Fairfax County Zoning Administrator ("Zoning Administrator"), against Defendants Idalia Cruz and Nelzar Gallo ("Defendants"); and

IT APPEARING TO THE COURT that the property that is the subject of this lawsuit is located at 2329 Rosedown Drive, Reston, Virginia (Tax Map No. 25-2((4)) parcel 8) ("subject property"); and

IT FURTHER APPEARING TO THE COURT that the Zoning Administrator filed a Complaint for Declaratory Judgment and Injunctive Relief ("Complaint") against the Defendants in this case on October 19, 2010, alleging that the Defendants are maintaining a Rooming House on the subject property in violation of Fairfax County Zoning Ordinance ("Zoning Ordinance") §§ 2-302(4) and (5), maintaining more than one Dwelling Unit on the subject property in violation of Zoning Ordinance § 2-501, maintaining excessive outdoor storage on the subject property in violation of Zoning Ordinance §§ 10-102(24) and 2-302(6), constructing and/or erecting modifications to the dwelling located on the subject property without a Building Permit in violation of Zoning Ordinance § 18-601, maintaining an

accessory storage structure on the subject property that exceeds 8½ feet in height and is located within the minimum required side yard on the subject property in violation of Zoning Ordinance §§ 10-104(10)(E) and 2-307, and exceeding the occupancy limitations for the single-family dwelling on the subject property, and/or allowing the same, in violation of Zoning Ordinance § 2-502; and

IT FURTHER APPEARING TO THE COURT that the Defendants own the subject property; and

IT FURTHER APPEARING TO THE COURT that the Complaint was served on the Defendants on October 22, 2010, by posting pursuant to Va. Code Ann. § 8.01-296(2)(b) (Supp. 2010); and

IT FURTHER APPEARING TO THE COURT that the Defendants have failed to file responsive pleadings to the Complaint, and a period in excess of twenty-one days has elapsed after due service of the Complaint upon them in the Commonwealth of Virginia; and

IT FURTHER APPEARING TO THE COURT that pursuant to Rule 3:19 of the Rules of the Supreme Court of Virginia (2010) the Defendants are in default; now, therefore, it is hereby

## ADJUDGED AND ORDERED as follows:

- l. By failing to file any responsive pleadings in this case, the Defendants are in default and the Zoning Administrator's Motion for Entry of Default Judgment is granted; and
- 2. Maintaining and/or allowing the maintenance of a Rooming House on the subject property violates Zoning Ordinance §§ 2-302(4) and (5); and
- 3. Maintaining and/or allowing the maintenance of more than one Dwelling Unit on the subject property violates Zoning Ordinance § 2-501; and

- 4. Maintaining and/or allowing the maintenance of excessive outdoor storage on the subject property violates Zoning Ordinance §§ 10-102(24) and 2-302(6); and
- Constructing and/or allowing the construction of modifications to the dwelling located on the subject property without a Building Permit violates Zoning Ordinance § 18-601;
- 6. Maintaining and/or allowing the maintenance of an accessory structure on the subject property that exceeds 8½ feet in height and is located within the minimum required side yard on the subject property violates Zoning Ordinance §§ 10-104(10)(E) and 2-307; and
- 7. Exceeding the occupancy limitations for the single-family dwelling on the subject property, and/or allowing the same, violates Zoning Ordinance § 2-502; and
- 8. The Defendants shall, within 15 days after the entry of this Default Judgment, permanently cease using and/or allowing the use of the single-family dwelling on the subject property as a Rooming House; and
- 9. The Defendants shall, within 15 days after the entry of this Default Judgment, permanently reduce the number of Dwelling Units on the subject property to one by, among other things: (i) obtaining all demolition and/or other permits and inspections required by the County and permanently removing from the single-family dwelling on the subject property to a lawful site, not to include any part of the subject property, all but one kitchen and cooking facility (to include without limitation removal of all appliances associated with the unlawful kitchen(s) such as ovens, ranges, kitchen sinks, microwaves, toaster ovens, refrigerators, cabinets, countertops, and freezers); (ii) permanently capping and sealing all utilities used to service the aforementioned appliances and/or those used to service all but one Dwelling Unit; (iii) permanently removing all plumbing, electrical, and gas connections and piping that are

used to service the unlawful Dwelling Units; and (iv) permanently maintaining the single-family dwelling on the subject property in such a manner that the dwelling is arranged, designed, used, and intended for use as a single-family dwelling by, among other things, permanently removing all interior door locks that prevent the free and unfettered access to all common living areas and/or that may separate different levels of the structure; and

- 10. The Defendants shall, within 15 days after the entry of this Default Judgment, permanently remove all outdoor storage from the subject property to a lawful site or permanently relocate all outdoor storage on the subject property to the rear half of the subject property, screen such outdoor storage from the view from the first story window of any neighboring dwelling, and locate such outdoor storage in an area measuring 100 square feet or less; and
- 11. The Defendants shall, within 15 days after the entry of this Default Judgment, obtain a Building Permit for the modifications constructed in the interior of the single-family dwelling located on the subject property after fully bringing the subject property into compliance with the Zoning Ordinance as required by Zoning Ordinance § 18-603; however, a Building Permit shall not be issued for the second kitchen that was constructed in the dwelling on the subject property in violation of Zoning Ordinance § 2-501; and
- 12. The Defendants shall, within 15 days after the entry of this Default Judgment, permanently remove the accessory structure from the minimum required side yard of the subject property to a lawful site, permanently reduce the height of the accessory structure to a height of no more than 8½ feet and leave it in its present location, or permanently relocate the accessory structure to a lawful site on the subject property; and

- 13. The Defendants shall, within 15 days after the entry of this Default Judgment, permanently remove from the subject property to a lawful site any and all person(s) occupying the dwelling on the subject property in excess of the limitations allowed by Zoning Ordinance § 2-502 and permanently reduce the number of persons occupying the dwelling on the subject property to that allowed by Zoning Ordinance § 2-502; and
- 14. The Defendants, their agents, employees, and/or tenants are permanently enjoined from maintaining and/or allowing the maintenance of a Rooming House on the subject property at any time in the future in violation of Zoning Ordinance §§ 2-302(4) and (5); and
- 15. Maintaining and/or allowing the maintenance of a Rooming House on the subject property at any time in the future in violation of Zoning Ordinance §§ 2-302(4) and (5) is permanently enjoined; and
- 16. The Defendants, their agents, employees, and/or tenants are permanently enjoined from maintaining and/or allowing the maintenance of more than one Dwelling Unit on the subject property at any time in the future in violation of Zoning Ordinance § 2-501; and
- 17. Maintaining and/or allowing the maintenance of more than one Dwelling Unit on the subject property at any time in the future in violation of Zoning Ordinance § 2-501 is permanently enjoined; and
- 18. The Defendants, their agents, employees, and/or tenants are permanently enjoined from maintaining and/or allowing the maintenance of excessive outdoor storage on the subject property at any time in the future in violation of Zoning Ordinance §§ 10-102(24) and 2-302(6); and

- 19. Maintaining and/or allowing the maintenance of excessive outdoor storage on the subject property at any time in the future in violation of Zoning Ordinance §§ 10-102(24) and 2-302(6) is permanently enjoined; and
- 20. The Defendants, their agents, employees, and/or tenants are permanently enjoined from constructing and/or allowing the construction of modifications to the dwelling located on the subject property without a Building Permit at any time in the future in violation of Zoning Ordinance § 18-601; and
- 21. Constructing and/or allowing the construction of modifications to the dwelling located on the subject property without a Building Permit at any time in the future in violation of Zoning Ordinance § 18-601 is permanently enjoined; and
- 22. The Defendants, their agents, employees, and/or tenants are permanently enjoined from maintaining and/or allowing the maintenance of an accessory structure on the subject property that exceeds 8½ feet in height and is located within the minimum required side yard on the subject property at any time in the future in violation of Zoning Ordinance §§ 10-104(10)(E) and 2-307; and
- 23. Maintaining and/or allowing the maintenance of an accessory structure on the subject property that exceeds 8½ feet in height and is located within the minimum required side yard on the subject property at any time in the future in violation of Zoning Ordinance §§ 10-104(10)(E) and 2-307; and
- 24. The Defendants, their agents, employees, and/or tenants are permanently enjoined from exceeding the occupancy limitations for the single-family dwelling on the subject property, and/or allowing the same, at any time in the future in violation of Zoning Ordinance § 2-502; and

- 25. Exceeding the occupancy limitations for the single-family dwelling on the subject property, and/or allowing the same, at any time in the future in violation of Zoning Ordinance § 2-502 is permanently enjoined; and
- 26. The Zoning Administrator and/or her agents shall be permitted to enter upon the subject property at reasonable times in the future to inspect the subject property to monitor compliance with the terms of this Default Judgment; and
- 27. The Clerk of the Fairfax County Circuit Court shall record a copy of this Default Judgment among the land records of Fairfax County, Virginia, to give notice of the prohibitions and restrictions contained herein to any successors-in-interest of the Defendants and shall index this Default Judgment as follows:

GRANTORS: Idalia Cruz; Nelzar Gallo

GRANTEES: Eileen M. McLane; Fairfax County Zoning Administrator

AND THIS CAUSE IS FINAL.

ENTERED this \_\_\_\_\_day of

. 2**91/** \_, 201**1** 

UDOE, FAIRFAX COUNTY CIRCUIT COUR

WE ASK FOR THIS:

DAVID P. BOBZIEN COUNTY ATTORNEY

By

aura S. Gori (VSB No. 65907)

Assistant County Attorney

12000 Government Center Parkway, Suite 549

Fairfax, Virginia 22035

(703) 324-2421/ fax (703) 324-2665

Counsel for Plaintiff Eileen M. McLane,

Fairfax County Zoning Administrator

SEEN:

Rule 1:13

Idalia Cruz
2329 Rosedown Drive
Reston, Virginia 20191
Defendant pro se

Nelzar Gallo

Nelzar Gallo 2329 Rosedown Drive Reston, Virginia 20191 Defendant pro se

> A COPY TESTE: JOHN T. FREY, CLERK

> > Deputy Clark

. .

Original retained in the office of the Clerk of the Circuit Court of Fairfax County, Virginia



## VIRGINIA:

## IN THE CIRCUIT COURT OF FAIRFAX COUNTY

EILEEN M. McLANE, FAIRFAX COUNTY ZONING ADMINISTRATOR,

Plaintiff,

: Case No. CL-2010-0002573

RAMA SANYASI RAO PRAYAGA, et al.,

Defendants.

# FINAL ORDER

THIS CAUSE came before the Court on June 11, 2010, for a hearing on the Motion for Summary Judgment filed by the Plaintiff, Eileen M. McLane, Fairfax County Zoning Administrator ("Zoning Administrator"), against Defendants Rama Sanyasi Rao Prayaga and Niraja Dorbala Prayaga ("Defendants"); and

IT APPEARING TO THE COURT that the Zoning Administrator filed in this case a Complaint for Declaratory Judgment and Injunctive Relief alleging that the Defendants are in violation of Fairfax County Zoning Ordinance ("Zoning Ordinance") § 2-501 for maintaining and/or allowing the maintenance of more than one Dwelling Unit on the property located at 9700 Leesburg Pike, Great Falls, Virginia (Tax Map No. 19-1((1)) parcel 22) ("the subject property"), which is owned by the Defendants; and

IT FURTHER APPEARING TO THE COURT that no material fact remains genuinely in dispute in this case and that this Final Order should be entered; now therefore, it is hereby

#### ADJUDGED and ORDERED as follows:

- 1. The Plaintiff's Motion for Summary Judgment is granted; and
- 2. The Defendants' maintenance and/or allowing the maintenance of more than one

Dwelling Unit on the subject property violates Zoning Ordinance § 2-501; and

- 3. The Defendants shall, within 30 days after the entry of this Final Order, permanently reduce the number of Dwelling Units on the subject property to one by, among other things: (1) obtaining all demolition and/or other permits required by the County and permanently removing from the single-family dwelling on the subject property to a lawful site, not to include any part of the subject property, all but one kitchen and cooking facility (to include without limitation removal of all appliances associated with the unlawful kitchen(s) such as ovens, ranges, kitchen sinks, microwaves, toaster ovens, refrigerators, cabinets, countertops, and freezers); (2) permanently capping and sealing all utilities used to service the aforementioned appliances and/or those used to service all but one Dwelling Unit; (3) permanently removing all plumbing, electrical, and gas connections and piping that are used to service the unlawful Dwelling Units; and (4) permanently maintaining the single-family dwelling on the subject property in such a manner that the dwelling is arranged, designed, used, and intended for use as a single-family dwelling by, among other things, permanently removing all interior door locks that prevent the free and unfettered access to all common living areas and/or that may separate different levels of the structure; and
- 4. The Defendants, their agents, employees, and/or tenants are permanently enjoined from maintaining and/or allowing the maintenance of more than one Dwelling Unit on the subject property at any time in the future in violation of Zoning Ordinance § 2-501; and
- 5. Maintaining and/or allowing the maintenance of more than one Dwelling Unit on the subject property at any time in the future in violation of Zoning Ordinance § 2-501 is permanently enjoined; and
  - 6. The Zoning Administrator and/or her agents shall be permitted to enter upon the

subject property at reasonable times in the future to inspect the subject property for the purpose of inspecting and photographing the exterior and the interior of the single-family dwelling on the subject property to monitor compliance with this Final Order and any other order entered by the Court in favor of the Zoning Administrator in this case.

7. Pursuant to Va. Code Ann. § 17.1-227 (Supp. 2009), the Clerk of the Fairfax County Circuit Court shall record a copy of this Final Order among the land records of Fairfax County, Virginia, to give notice of the prohibitions and restrictions contained herein to any successors-in-interest of the Defendants and index this Final Order as follows:

**GRANTORS:** 

Rama Sanyasi Rao Prayaga; Niraja Dorbala Prayaga

GRANTEES:

Eileen M. McLane;

Fairfax County Zoning Administrator

AND THIS CAUSE IS FINAL.

ENTERED this // day of

2010.

JUDGE, FAIRFAX COUNTY CIRCUIT COURT

WE ASK FOR THIS:

DAVID P. BOBZIEN COUNTY ATTORNEY

Bv:

Laura S. Gori (VSB No. 65907)

Assistant County Attorney

12000 Government Center Parkway, Suite 549

Fairfax, Virginia 22035

Telephone (703) 324-2421; fax (703) 324-2665

Counsel for Plaintiff Eileen M. McLane,

Fairfax County Zoning Administrator

A COPY TESTE:

INT FREY CLER

BYXOROMA

Original retained in the office of the Clerk of the Circuit Court of

Fairfax County, Vironne

SEEN:

Kule 1:13

Rama Sanyasi Rao Prayaga 9700 Leesburg Pike Great Falls, Virginia 22066 Defendant pro se

Niraja Dorbala Prayaga 9700 Leesburg Pike

Great Falls, Virginia 22066

Defendant pro se

VIRGINIA:

# IN THE CIRCUIT COURT OF FAIRFAX COUNTY

EILEEN M. McLANE, FAIRFAX COUNTY ZONING ADMINISTRATOR,

Plaintiff,

v. : CASE NO. CL-2009-0001724

DANIEL RETTER, TRUSTEE, SHEILA G. CHEATHAM TRUST,

Defendant.

# FINAL ORDER

THIS CAUSE came before the Court for trial on October 21, 2009, upon the Complaint for Declaratory Judgment and Injunctive Relief ("Complaint") filed in this case by Plaintiff, Eileen M. McLane, Fairfax County Zoning Administrator ("Zoning Administrator"), against the Defendant, Daniel Retter, Trustee of the Sheila G. Cheatham Trust ("Defendant"); and

IT APPEARING TO THE COURT that the Defendant, Daniel Retter, Trustee, administers, directs, and/or manages the Sheila G. Cheatham Trust ("Defendant"), which is the owner of real property located at 8514 Lewinsville Road, McLean, Virginia 22102 ("the subject property"); and

IT FURTHER APPEARING TO THE COURT that the subject property is shown on the Fairfax County Real Property Identification Map as Tax Map No. 29-1 ((3)) parcel 13, contains approximately 2.54 acres, and is zoned to the R-1 District (Residential District, One Dwelling Unit/Acre); and

IT FURTHER APPEARING TO THE COURT that the subject property has three separate structures: a main dwelling unit comprised of approximately 3,578 square feet, a

second structure comprised of approximately 1,120 square feet, and a third structure comprised of approximately 1,397 square feet ("Third Structure") as shown on the attached plat; and

IT FURTHER APPEARING TO THE COURT, after consideration of the evidence and argument of the parties, that the relief sought by the Zoning Administrator is just and proper and should be granted; now, therefore, it is hereby

# ADJUDGED and ORDERED as follows:

- 1. Within Days after the entry of this Final Order, the Defendant shall remove, pursuant to approved Demolition permits, from the Third Structure, all cooking facilities, and kitchen appliances (including, but not limited to, any stove, oven, microwave oven, toaster oven, hot plate, kitchen sink, kitchen cabinet, kitchen countertop, refrigerator, and/or freezer), (2) the termination, removal, and permanent capping and sealing of all the electrical and/or gas connections supporting such appliances, and (3) the removal of all such items from the subject property to a lawful site, not to include the subject property; and
- 2. The Defendant, his agents, employees, and tenants are hereby enjoined from Constructing and/or allowing the establishment and/or the maintenance of more than one Dwelling and/or Dwelling Unit in the Third Structure on the subject property at any time in the future in violation of Zoning Ordinance §§ 2-302(4) and (5), 2-303(1), and 2-501. This shall not prevent or prejudice any owner from obtaining a special permit to allow an accessory dwelling unit in the Third Structure; and
- 3. The Third Structure is the only structure on the subject property that is affected by this order.

- 4. The Zoning Administrator and/or her agents shall be permitted to inspect and photograph the subject property and the interior of all structures on the subject property at reasonable times to ensure that the Defendant complies with the terms of any order entered in favor of the Zoning Administrator in this case, and
- 5. Upon inspection of the premises by the Zoning Administrator and determination that the terms of this order have been complied with, the Plaintiff shall cause this judgment and the lis pendens to be released.

AND THIS CAUSE IS ENDED.

Zoning Administrator

ENTERED this 30 day of October, 2009.

JUDGE, FAIRFAX COUNTY CIRCUIT COURT

Leilora Friells

SEEN: And objected to for the reason stated in the legal months of plainty's rusing or any Judgment, motion in lining and DAVID P. BOBZIEN Stated in open contract to the country ATTORNEY Plainty's Order was rejected for any layer the Country Attorney

By: Christopher A. Costa (VSB No. 43961)

Assistant Country Attorney

12000 Government Center Parkway, Suite 549

Fairfax, Virginia 22035-0064

Telephone: (703) 324-2421

Facsimile: (703) 324-2665

Counsel for the Plaintiff, Eileen M. McLane, Fairfax Country

SEEN and objected to on the grounds that the removal of kitchen fixtures is contrary to the provisions of Va. Code 15.2-2307; that the Plaintiff failed to follow the mandatory provisions of the Fairfax County Zoning Ordinance in revoking the Special permit; and for all other reasons argued at trial.

William M. Baskin, Jr. (VSB No. 16068)

Baskin, Jackson, Hansbarger & Duffett, PC

301 Park Avenue

Falls Church, Virginia 22046

Telephone: (703) 534-3610 Facsimile: (703) 536-7315

Counsel for the Defendant, Daniel Retter, Trustee for the Sheila G. Cheatham Trust

Original retained in the office of the Clerk of the Circuit Court of Fairfax County, Virginia



# IN THE CIRCUIT COURT OF FAIRFAX COUNTY

EILEEN M. McLANE, FAIRFAX COUNTY ZONING ADMINISTRATOR, et al.,

Plaintiffs,

: CASE NO. CL-2008-0001917

ADELA CUELLAR TAYLOR,

Defendant.

# **DEFAULT JUDGMENT**

THIS CAUSE came on to be heard upon the Motion for Entry of Default Judgment filed by the Plaintiffs, Eileen M. McLane, Fairfax County Zoning Administrator (the "Zoning Administrator"), Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia (the "Code Official"), and Ronald L. Mastin, Fairfax County Fire Marshal (the "Fire Marshal"), against the Defendant, Adela Cuellar Taylor ("Defendant"); and

IT APPEARING TO THE COURT that the Defendant is the owner of real property located at 10608 Barn Swallow Court, Fairfax, Virginia (Tax Map No. 77-1((12)) parcel 125) ("subject property); and

IT FURTHER APPEARING TO THE COURT that the Zoning Administrator, the Code Official, and the Fire Marshal filed a Complaint for Declaratory Judgment and Injunctive Relief ("Complaint") against the Defendant in this case on February 11, 2008, alleging that the Defendant has violated the Fairfax County Zoning Ordinance ("Zoning Ordinance"), the Virginia Uniform Statewide Building Code, Part III, Maintenance (2003 edition) ("Virginia Maintenance Code"), and the Statewide Fire Protection Code (2003) ("SFPC") on the subject property; and

IT FURTHER APPEARING TO THE COURT that on February 11, 2008, the Complaint was served on the Defendant by posting in accordance with Va. Code Ann. § 8.01-296(2)(b) (2007); and

IT FURTHER APPEARING TO THE COURT that the Defendant has not filed any responsive pleadings in this case, and a period in excess of 21 days has elapsed after due service of process upon her in this Commonwealth; and

IT FURTHER APPEARING TO THE COURT that pursuant to Rule 3:19 of the Rules of the Supreme Court of Virginia (2007) the Defendant is in default; now therefore, it is hereby

# ADJUDGED AND ORDERED as follows:

- l. By failing to file any responsive pleadings in this case, the Defendant is in default, and the Motion for Entry of Default Judgment filed by the Zoning Administrator, the Code Official, and the Fire Marshal in this case is granted: and
- 2. Using and/or allowing the use of the single-family dwelling on the subject property as a rooming house violates Zoning Ordinance §§ 2-302(4) and (5); and
- 3. Maintaining more than one dwelling unit on the subject property violates Zoning Ordinance § 2-501; and
- 4. Occupying and/or allowing the occupation of the dwelling on the subject property by more than one family and/or more than two roomers or boarders violates Zoning Ordinance § 2-502(1); and
- 5. Converting the single-family dwelling on the subject property into a multiple-family dwelling by maintaining a second dwelling unit on the subject property is in violation of the Proffers for the subject property and Zoning Ordinance § 18-901(1); and

- 6. Allowing the basement of the single-family dwelling on the subject property to be used as habitable space without the required emergency escape openings violates Virginia Maintenance Code §§ 702.4 and 402.1; and
- 7. Occupying areas of the single-family dwelling on the subject property without approved fire detection, alarm, and suppression systems violates SFPC § 901.5.1; and
- 8. Converting the single-family dwelling on the subject property to a rooming house without obtaining the Building Code Official's approval is in violation of SFPC § 301.3; and
- 9. The Defendant, within 14 days after the entry of this Default Judgment, shall (1) permanently cease using the single-family dwelling on the subject property as a rooming house in violation of Zoning Ordinance §§ 2-302(4) and (5) and SFPC § 301.3; (2) permanently reduce the occupancy of the dwelling on the subject property to that allowed by Zoning Ordinance §§ 2-502; and (3) permanently reduce the number of dwelling units maintained on the subject property to one as required by Zoning Ordinance §§ 2-501 and 18-901(1) by (i) removing all interior door locks that prevent the free and unfettered access to all common living areas and free and unfettered access between the basement level of the dwelling and the first floor, (ii) removing all but one kitchen from the residence (to include without limitation removal of all appliances associated with the unlawful kitchens such as ovens, ranges, kitchen sinks, kitchen cabinets, kitchen countertops, refrigerators, and freezers), (iii) removing all plumbing, electrical, and gas connections and piping that are used to service the unlawful dwelling units, and (iv) capping and sealing all utilities used to service the aforementioned appliances and/or those used to service all but one dwelling unit; and

- 10. The Defendant shall immediately upon entry of this Default Judgment permanently cease using the basement level of the dwelling on the subject property for sleeping purposes and/or as habitable space in violation of Virginia Maintenance Code §§ 702.4 and 402.1 and SFPC § 901.5.1;
- 11. The Defendant, her agents, employees, tenants, and/or any successors-in-interest are permanently enjoined from using and/or allowing the dwelling on the subject property to be used at any time in the future as a rooming house in violation of Zoning Ordinance §§ 2-302(4) and (5); and
- 12. The Defendant, her agents, employees, tenants, and/or successors-in-interest are permanently enjoined from establishing on the subject property at any time in the future more than one dwelling unit, and/or allowing the same, in violation of Zoning Ordinance § 2-501 and/or contrary to the Proffers for the subject property in violation of the Proffers and Zoning Ordinance § 18-901(1); and
- 13. The Defendant, her agents, employees, tenants, and/or successors-in-interest are permanently enjoined from occupying and/or allowing the occupation of the single-family dwelling on the subject property at any time in the future in violation of Zoning Ordinance § 2-502; and
- 14. The Defendant, her agents, employees, tenants, and/or successors-in-interest are permanently enjoined from occupying and/or allowing the occupation of the basement level of the single-family dwelling on the subject property at any time in the future without windows and approved emergency escape openings in violation of Virginia Maintenance Code §§ 702.4 and 402.1; and

- 15. The Defendant, her agents, employees, tenants, and/or successors-in-interest are permanently enjoined from changing the use of the dwelling on the subject property at any time in the future without the approval of the Building Code Official, DPWES, in violation of SFPC § 301.3; and
- 16. The Defendant, her agents, employees, tenants, and/or successors-in-interest are permanently enjoined from occupying and/or allowing the occupation of the dwelling on the subject property at any time in the future until the required fire detection, alarm and suppression systems have been tested and approved in violation of SFPC § 901.5.1; and
- 17. The Zoning Administrator, the Code Official, and/or the Fire Marshal and/or their respective agents shall be permitted to enter upon the subject property at reasonable times to inspect and photograph the interior of the dwelling on the subject property to ensure that the Defendant complies with the terms of this Default Judgment; and
- 18. The Clerk of the Fairfax County Circuit Court shall record a copy of this

  Default Judgment among the land records of Fairfax County, Virginia, to give notice of the

  prohibitions and restrictions contained herein to any successors-in-interest of the Defendant

  and shall index said Default Judgment as follows:

GRANTOR:

Adela Cuellar Taylor

**GRANTEES:** 

Eileen M. McLane; Fairfax County Zoning Administrator; Michael R. Congleton; Property Maintenance Code Official for Fairfax County, Virginia; Ronald L. Mastin; Fairfax County Fire Marshal

AND THIS CAUSE IS FINAL.

ENTERED THIS \_ 28 day of March 2008.

JUDGE, FAIRFAX COUNTY CIRCUIT COURT

WE ASK FOR THIS:

DAVID P. BOBZIEN COUNTY ATTORNEY

Elizabeth D. Teare (VSB No. 31809)

A saidted Countries Attantions

Assistant County Attorney

12000 Government Center Parkway, Suite 549

Fairfax, Virginia 22035

(703) 324-2421 (telephone)

(703) 324-2665 (fax)

Counsel for the Plaintiffs, Eileen M. McLane, Fairfax County Zoning Administrator, Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia, and Ronald L. Mastin, Fairfax County Fire Marshal

A COPY TESTE:
JOHN T. FREY, CLERK

Date: SCORIOS
Original retained in the office of the Clerk of the Circuit Court of Fairfax County, Virginia



## VIRGINIA:

## IN THE CIRCUIT COURT OF FAIRFAX COUNTY

EILEEN M. McLANE, FAIRFAX COUNTY ZONING ADMINISTRATOR, et al.,

Plaintiffs,

CASE NO. CL-2007-0008624

MARCO A. ROCABADO TAPIA, also known as Marco A. Rocabado,

Defendant.

#### FINAL ORDER

THIS CAUSE came before the Court on November 9, 2007, for a final hearing on the Motion for Summary Judgment filed by the Plaintiffs, Eileen M. McLane, Fairfax County Zoning Administrator ("Zoning Administrator"), and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia (Code Official"), against the Defendant, Marco A. Rocabado Tapia, also known as Marco A. Rocabado ("Defendant"); and IT APPEARING TO THE COURT that the Zoning Administrator filed in this case a Complaint for Declaratory Judgment and Injunctive Relief, alleging, inter alia, that the Defendant is in violation of Fairfax County Zoning Ordinance (hereinafter "Zoning Ordinance") § 2-501 for creating and maintaining more than one dwelling unit on property located at 5910 Jane Way, Alexandria, Virginia, which is shown on the Fairfax County Real Property Identification Map as Tax Map No. 82-3((2))(5) parcel 15 ("subject property"), in violation of Zoning Ordinance §§ 2-302(4) and (5) for allowing the dwelling to be occupied by more than one family and/or more than two unrelated individuals, in violation of Zoning Ordinance § 18-601 for constructing interior walls in the dwelling without a building permit

approved by the Zoning Administrator, in violation of the Virginia Uniform Statewide Building Code, Part III, Maintenance (2003 Edition) ("Virginia Maintenance Code") § 704.2 for failing to maintain functioning smoke alarms in the dwelling on the subject property, in violation of Virginia Maintenance Code § 305.4 for failing to maintain all stairways on the subject property in sound condition and good repair, and in violation of Virginia Maintenance Code § 304.13.1 for failing to maintain all windows in the single-family dwelling on the subject property free from cracks and holes; and

IT FURTHER APPEARING TO THE COURT that after the filing of this case, the

Defendant repaired the broken window, removed the materials that were blocking the interior stairway from the first floor to the basement of the dwelling, and removed one of the walls that was constructed without a permit in the dining room area, but the remaining violations continue unabated; and

IT FURTHER APPEARING TO THE COURT, based on the pleadings and memoranda filed in this case and the argument of the parties before the Court, that this Final Order should be entered; now, therefore, it is hereby

ADJUDGED and ORDERED as follows:

- The Motion for Summary Judgment filed in this case by the Zoning
   Administrator and the Code Official is granted.
- 2. Using and/or allowing the use of the single-family dwelling on the subject property as a rooming house violates Zoning Ordinance §§ 2-302(4) and (5); and
- 3. Maintaining more than one dwelling unit on the subject property violates Zoning Ordinance § 2-501(1); and

- 4. Occupying and/or allowing the occupation of the dwelling on the subject property by more than one family and/or more than two roomers or boarders violates Zoning Ordinance § 2-502(1); and
- Constructing and/or allowing the construction of interior walls within the singlefamily dwelling on the subject property without a building permit approved by the Zoning
   Administrator violates Zoning Ordinance § 18-601; and
- 6. Failing to maintain and/or install functioning smoke alarms in the basement of the single-family dwelling on the subject property, and/or allowing the same, violates Virginia Maintenance Code § 704.2; and
- 7. Failing to maintain all stairways in the dwelling on the subject property in sound condition and good repair, and/or allowing the same, violates Virginia Maintenance Code § 305.4; and
- 8. The maintenance of windows in the single-family dwelling on the subject property with cracks and holes, and/or allowing the same, violates Virginia Maintenance Code § 304.13.1; and
- 9. The Defendant shall, within 30 days after the entry of this Final Order

  (i) permanently cease using the single-family dwelling on the subject property as a rooming house; (ii) permanently reduce the occupancy of the dwelling to that allowed by Zoning Ordinance § 2-502; (iii) permanently reduce the number of dwelling units maintained on the subject property to one as required by Zoning Ordinance § 2-501 by (a) removing all interior door locks that prevent the free and unfettered access to all common living areas and free and unfettered access between the basement level of the dwelling and the first floor, (b) removing all but one kitchen from the dwelling on the subject property (to include without limitation

removal of all appliances associated with the unlawful kitchens such as ovens, ranges, microwave ovens, sinks, cabinets, countertops, refrigerators, and freezers), (c) removing all plumbing, electrical, gas connections, and piping that are used to service the unlawful dwelling units, and (d) capping and sealing all utilities used to service the aforementioned appliances and/or those used to service all but one dwelling unit; (iv) remove the interior walls that were constructed in the basement of the dwelling on the subject property without a Building Permit approved by the Zoning Administrator; (v) remove the deadbolt look on the door to the stairway that leads from the first floor to the basement of the dwelling; and (vi) install functioning smoke alarms in each room in the basement of the single-family dwelling as required by Virginia Maintenance Code § 704.2; and

- 10. The Defendant, his agents, employees, tenants, and/or any successors-in-interest are permanently enjoined from using and/or allowing the dwelling on the subject property to be used at any time in the future as a rooming house in violation of Zoning Ordinance §§ 2-302(4) and (5); and
- 11. The Defendant, his agents, employees, tenants, and/or any successors-in-interest are permanently enjoined from establishing on the subject property at any time in the future more than one dwelling unit in violation of Zoning Ordinance § 2-501; and
- 12. The Defendant, his agents, employees, tenants, and/or any successors-ininterest are permanently enjoined from occupying and/or allowing the occupation of the singlefamily dwelling on the subject property at any time in the future in violation of Zoning
  Ordinance § 2-502; and
- 13. The Defendant, his agents, employees, tenants, and/or any successors-ininterest are permanently enjoined from constructing and/or allowing the construction of interior

walls within the single-family dwelling on the subject property at any time in the future without an approved building permit from the Zoning Administrator in violation of Zoning Ordinance \$ 18-601; and

- 14. The Defendant, his agents, employees, tenants, and/or any successors-ininterest are permanently enjoined from occupying and/or allowing the occupation of the singlefamily dwelling on the subject property at any time in the future without installed and
  functioning smoke alarms in violation of Virginia Maintenance Code § 704.2; and
- 15. The Defendant, his agents, employees, tenants, and/or any successors-in-interest are permanently enjoined from failing to maintain the interior stairways on the subject property in sound condition and good repair, and/or permitting the same, at any time in the future in violation of Virginia Maintenance Code § 305.4; and
- 16. The Defendant, his agents, employees, tenants, and/or any successors-in-interest are permanently enjoined from failing to maintain all glazing materials, including the window panes in the single-family residence, free from cracks and holes, and/or permitting the same, at any time in the future in violation of Virginia Maintenance Code § 304.13.1; and
- 17. The Zoning Administrator and/or the Code Official and their respective agents shall have the right to inspect and photograph the interior of the dwelling on the subject property at reasonable times to ensure that the Defendant complies with the terms of this Final Order; and
- 18. The Zoning Administrator and/or the Code Official and their agents shall be permitted to enter, inspect, and photograph the subject property, including the interior of the single-family dwelling on the subject property, at reasonable times to monitor compliance with the terms of this Final Order.

- 19. The Defendant shall, at any time in the future requested by the Zoning Administrator, provide evidence satisfactory to the Zoning Administrator that establishes that each person residing on the subject property is legally entitled to do so under the Zoning Ordinance.
- 20. The Clerk of the Fairfax County Circuit Court shall record a copy of this Final Order among the land records of Fairfax County, Virginia, to give notice of the prohibitions and restrictions contained herein to any successors-in-interest of the Defendant and shall index this Final Order as follows:

**GRANTORS:** 

Marco A. Rocabado Tapia; Marco A. Rocabado

**GRANTEES:** 

Eileen M. McLane; Fairfax County Zoning Administrator;

Michael R. Congleton; Property Maintenance Code Official

for Fairfax County, Virginia

AND THIS CAUSE IS ENDED.

ENTERED this 9 day of 2007

JUDGE, FAIRFAX COUNTY CIRCUIT COURT

SEEN:

Marco A. Rocabado Tapia,

also known as Marco A. Rocabado

5910 Jane Way

Alexandria, Virginia 22310-1204

Telephone:

Defendant pro se

SEEN AND AGREED:

DAVID P. BOBZIEN COUNTY ATTORNEY

Elizabeth D. Teare (VSB No. 31809)

Assistant County Attorney

12000 Government Center Parkway, Suite 549

Fairfax, Virginia 22035-0064

Telephone (703) 324-2421; fax (703) 324-2665

Counsel for Plaintiffs Eileen M. McLane,

Fairfax County Zoning Administrator, and

Michael R. Congleton, Property Maintenance

Code Official for Fairfax County, Virginia